



Crl.OP.No.29749 of 2022

Crl.O.P.No.29749 of 2022

A.A.NAKKIRAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 & 506(i) of IPC in Crime No.497 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had lent an amount of Rs.4 lakhs to the petitioner's wife, who is the first accused. It is the further case that the petitioner's wife had issued a cheque to the defacto complainant and the same got dishonoured. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the case. The learned counsel would further submit that the first accused namely the petitioner's wife is arrested and enlarged on bail on 19.12.2022 by the Sessions Court. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned counsel for the Intervening petitioner submitted that the petitioner along with his wife namely the second accused had obtained loan of Rs.4 lakhs and two sovereigns gold bangles which was not returned to the intervening petitioner and he apprehended that the petitioner may tamper the evidences. Hence, opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) submitted that four witnesses were examined. He would also admit that the first accused namely the petitioner's wife is enlarged on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that the co-accused is enlarged on bail and four witnesses have been examined, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in



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the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Madhavaram, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.497 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either



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during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

28.12.2022

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