



Crl.O.P.No.349 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 468 & 471 of IPC in Crime No. 1143 of 2021, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the first accused, by producing certain ICICI bank papers, has borrowed a sum of Rs.23,00,000/- from the de-facto complainant, for his urgent financial needs and assured that he will repay it within 3 days. Thereafter, he did not repay the said amount and the bank papers produced by him was a fake one. Hence the case.

3. Learned counsel for the petitioner appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of the first accused. He further submitted that the petitioner is no way connected with the alleged offence and he is ready to abide by any stringent



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condition that may be imposed by this Court. Further he submitted that co-accused has been released on anticipatory bail by this Court vide order dated 03.01.2023 in Crl. O.P No. 32421 of 2022. Hence he prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with the other accused had borrowed a sum of Rs.23,00,000/- from the de-facto complainant by producing fake documents and thereafter, cheated him by not repaying the same. He further submitted that the present petitioner is also played a major role in the offence. Hence, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is ready to deposit the amount of Rs.1,00,000/- to the credit of the crime number, in order to show his bonafide. Hence, he prays for grant of anticipatory bail to the petitioner.



6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into note of the fact that co-accused has been released on bail. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in 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 XVIII Metropolitan Magistrate, Saidapet**, on condition that the petitioner shall execute a 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 stands dismissed and on further condition that:



[a] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.1143 of 2021 before the learned XVIII Metropolitan Magistrate, Saidapet, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment."

[b] 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;

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[f] On breach of any of the aforesaid



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

12.01.2023

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