



Crl.O.P.No.3139 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, 506(1) of IPC in Crime No.48 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioner and the de-facto complainant with regard to money transaction. It is alleged that the petitioner, who is a Doctor by profession has borrowed a sum of Rs.8,50,000/- from the defacto complainant, a School correspondent, promising that he would buy cheaper costs of benches, desks and tables etc from Karnataka for the defacto complainant's school. When the defacto complainant demanded the said amount, the petitioner had neither returned the money nor bought the furniture to the him. Hence the complaint.

3. The learned counsel for the petitioner submits that he is innocent and he has not committed any offence as alleged. He would also



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submit that defacto complainant has borrowed a loan from the petitioner's father in the year 2018. When the petitioner's father demanded the said amount, the defacto complainant has issued two dishonoured cheques, which instigated the petitioner's father to initiate 138 (N.I.Act) proceedings against the defacto complainant taken on file in STC.No.576 of 2019 pending before the learned Judicial Magistrate I, Thirupathur. Aggrieved by the same, the defacto complainant has given a false complaint against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the dispute is with regard to money transaction for a sum of Rs.8,50,000/- between the petitioner and the defacto complainant. He also submits that the investigation was almost completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. It is seen that already there was a dispute with regard to the money transaction between the defacto complainant and the petitioner's



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father leading to initiation of proceedings u/s 138 (N.I.Act) was taken on file in STC.No.576 of 2019, pending before the learned Judicial Magistrate, Tirupathur and taking into consideration that the petitioner is a Doctor by profession and promoted as Assistant Professor in Kempegowda Institute of Medical Sciences, Karnataka, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Thirupattur**, 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 stand dismissed and on further condition that:



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[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 report before the respondent police as and when required for interrogation;**

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

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

[e] 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]**;



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

**15.02.2023**

*rap/skt*

To

Judicial Magistrate-II, Thirupattur



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**T.V.THAMILSELVI,J.**

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