



Crl.O.P.No.5165 of 2023

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Crl.O.P.No.5165 of 2023
and
Crl.M.P.No.4109 of 2023
K.KUMARESH BABU, 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.812 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner borrowed hand loan from the de-facto complainant and failed to re-pay the same. When the de-facto complainant requested to pay the amount, the petitioner threatened him with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that originally the petitioner borrowed hand loan from the de-facto complainant and he regularly paid the interest without fail. During Covid-19 period, the petitioner could not able to pay the penal interest in time. The respondent Police issued notice under Section 41(a) of Cr.P.C. and the petitioner appeared before the respondent Police on 26.02.2022. The



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petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is ready to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of crime No.812 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the total cheated amount is to the tune of Rs.44,03,359/- and hence, opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.812 of 2022, within a period of three weeks from today and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of three weeks from today before the learned Judicial Magistrate No.II, Poonamallee, on condition that the



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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:

[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.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.812 of 2022, before the concerned Magistrate, within a period of three weeks from today.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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



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[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC. Consequently, the connected Miscellaneous Petition is closed.

18.05.2023

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