



*Crl.O.P.No.7979 of 2023*

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**C.V.KARTHIKEYAN, J.**

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406, 420, 506 (2) IPC in Crime No.102 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) on behalf of the respondent.

3.It is stated that notice under Section 41-A Cr.P.C. had been received by the petitioner herein and the petitioner had also co-operated during the investigation.

4.The case of the prosecution is that the defacto complainant is the President of Self Help Women Group and had given a sum of Rs.9,00,000/- to the petitioner herein and since the petitioner did not return the same, the defacto complainant had lodged a complaint leading to registration of FIR.

5.On the other hand, the learned counsel for the petitioner states that the petitioner had also filed O.S.No.8741 of 2019, which is now pending



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before the IV Assistant City Civil Court against the defacto complainant, who remained ex-parte.

6.Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 II Metropolitan Magistrate, Egmore, Chennai**, 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:

[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.



*Crl.O.P.No.7979 of 2023*

**[b] the petitioner shall report before the respondent Police, once in a week, i.e., every Monday morning at 10.00 a.m. for a period of three weeks and thereafter as and when required for interrogation by the respondent police.**

**[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]**;**

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

**07.11.2023**

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