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Crl.O.P.No.10485 of 2023

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S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.56 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner pledged his RC book and availed loan of Rs.2,32,900/- from the defacto complainant and failed to repay the same.Hence, the case.

3. The learned counsel for the petitioner submits that due to heavy loss in his business and unable to transport his vehicle, he has not paid the aforesaid loan amount in time. Now, the petitioner undertakes to pay the loan amount to the defacto complainant within 6 months on the basis of equal instalment.

4. The learned Government Advocate (Crl. Side) appearing for



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the respondent police submitted that the petitioner failed to repay the loan amount to the defacto complainant and thereby cheated. He further submitted that there is no previous against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

4. Considering the nature of allegation made against the petitioner and other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

5. 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 IX Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioner shall execute separate bonds 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



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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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter 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].

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

05.05.2023

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