



CrI.O.P.No.11673 of 2023

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A. D. JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 506 (i) of IPC, in Crime No.56 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ramajayam is that the accused who are brother and sister have received an amount of Rs.24 lakhs from her on 20.03.2014 to 20.06.2020 and they have not repaid the amount. When the defacto complainant had asked for return of amount, the accused came to her house on 27.12.2022 and intimidated her and also stated that they would not return the amount. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely



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implicated in this case. He would submit that the petitioners are brother and sister and in fact they have borrowed an amount of Rs.2 lakhs from one Latha and subsequently and they have been regularly paying the interest of Rs.6,000/- per month to her. While so the said Latha was affected by Cancer and she had asked for the return of money and the petitioners have repaid the amount to the account of the said Latha on 22.06.2020. Unfortunately, she had died on 24.10.2020. Some documents of the petitioners were with the said Latha and subsequently, the defacto complainant while taking possession of the property has given a false complaint as if the petitioners have borrowed an amount of Rs.24 lakhs from her. He would further submit that absolutely there is no material in the hands of the defacto complainant to show that such huge amount of Rs.24 lakhs was paid to the petitioners. Earlier, the defacto complainant had given a complaint against the petitioners before the Superintendent of Police, Cuddalore, and the case was referred for enquiry to Mr.Lamack, DSP, Buvanagiri. The said DSP enquired the petitioners as well as the defacto complainant and he has advised that if the defacto complainant has any materials, she has to approach the Civil Court for recovery of



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money and later a false complaint has been given by the defacto complainant, based on which, the petitioners were continuously harassed by the respondent police. Thereafter, the petitioners approached this Court by filing a petition in Crl.O.P.No.489 of 2023 seeking for not to harass and the petition was allowed on 10.01.2023. He would submit that at that time no case was pending and now a case has been registered. He would further submit that the first petitioner is working as a Nurse in the Annamalai University and Medical College, Chidambaram and the second petitioner is working as a staff in Annamalai University. He would submit that even taking into consideration the allegations in the FIR a case of a Civil Dispute has been attempted to be converted as a Criminal case and the defacto complainant is attempting to recover the money from the petitioners through police action. Therefore, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that the petitioners are brother and sisters and they have borrowed an amount of Rs.24 lakhs from the defacto complainant and when she had



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asked for return of money, the petitioners have gone to the house of the defacto complainant and threatened and intimidated her. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

6. In view of the above submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate II, Chidambaram**, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the



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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 petitioners 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 petitioners shall report before the respondent Police everyday at 06.30 p.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.



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8. With the above directions, this Criminal Original Petition is
ordered.

01.06.2023

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