



Crl.O.P.No.11956 of 2023

CRL.OP. No. 11956 of 2023

V.LAKSHMINARAYANAN, 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.3 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had availed a loan to the tune of Rs.9,00,000/- from M/s Gayanthri Finance and subsequently failed to repay the same. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person he has not committed any offence as alleged by the prosecution. Further he submitted that there is no previous case pending against him. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner has cheated the defacto complainant to the tune of Rs.9,00,000/-. Hence, he opposed for grant of anticipatory bail to the



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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.4,00,000/- (Rupees four lakhs only) to the credit of crime No. 3 of 2023 on the file of the Judicial Magistrate, Namakkal, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Namakkal, 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



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

[b] the petitioner shall deposit a sum of Rs.4,00,000/- (Rupees four lakhs only) to the credit of Crime No. 3 of 2023 on the file of the Judicial Magistrate, Namakkal, within a period of four weeks from the date on which the order copy made ready. If the petitioner failed to deposit the said amount this petition stands dismissed without further reference to this Court.

[c] the petitioner shall appear before the respondent police as and when required for interrogation.

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

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

[f] 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]**.

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

26.05.2023

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