



5Crl.O.P.No.15646 of 2023

C.V.KARTHIKEYAN, J.

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 of I.P.C, in Crime No.367 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had purchased steel products from the respondent worth about Rs.40 lakhs and did not repay the amount. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent submits that the petitioner had purchased steel products from the respondent worth about Rs.40 lakhs and did not repay the amount. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.



WEB COPY



6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, my learned Predecessor had referred this matter to the Tamil Nadu Mediation and Conciliation Centre attached to this Court for aiding to resolve the dispute between the parties. A Memorandum of settlement had been reached between the petitioner and the de-facto complainant. In view of these facts, this Court is inclined to grant anticipatory bail to the petitioner. It is also obligatory on the petitioner to abide the terms of condition and if there is breach of any settlement or conditions, the de-facto complainant or the respondent are at liberty to seek to cancel of the order.

7. 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 Judicial Magistrate No.1, Ambattur**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 report before the respondent Police on everyday at 10.30a.m., for a period of two weeks and thereafter as when required;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

16.11.2023

nvi



WEB COPY



Crl.O.P.No.15646 of 2023

C.V.KARTHIKEYAN, J.

nvi

Crl.O.P.No.15646 of 2023

16.11.2023