



Crl.O.P.No.21428 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/first accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 & 420 of IPC in Crime No.215 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running an educational institution from where the petitioner and the other accused have received a sum of Rs.25/-lakhs as commission for arranging loan from Bank.

3. It is the case of the petitioner that the petitioner had received a sum of Rs.19,82,500/- and had repaid a sum of Rs.12/- lakhs. A statement had been produced before this Court.

4. According to the learned Government Advocate (Crl. Side) would submit that as on date, the petitioner is due and liable to return a sum of Rs.8,82,500/-.

5. From the statement made by the learned counsel for the petitioner, it is seen that the petitioner is due and liable to a sum of Rs.7,82,500/-.



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6. Let me not enter into the controversy about the amounts paid or payable or repaid but place a caveat on the petitioner herein to deposit a sum of Rs.3,00,000/- to the credit of the crime No. 215 of 2021.

7. Taking all the factors in to consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 X Metropolitan Magistrate at Egmore, Chennai District, 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.

[b] the petitioner is directed to deposit a sum of Rs.3,00,000/- to the credit in Crime No. 215 of 2021 and on such deposit, the learned X Metropolitan Magistrate, Egmore, Chennai, may transfer the said amount to interest earning fixed deposit and pass final orders on conclusion of trial.



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required.

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

15.12.2023

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