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Crl.O.P.No.19993 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 420 IPC in Crime No.447 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Parvathi w/o Late Vadivel preferred a complaint that seven years before, her land was acquired by Government and was paid a compensation of Rs.80 Lakhs, out of which, Rs.35 Lakhs was deposited to her husband's account and Rs. 40,00,000/- into her account in T.M.B bank. During 2016, her in-law's son one P.K.Pounraj, approached and requested for a loan, and assured that he would receive Rs. 200 Crores from a sand quarry contract and told her that he will pay the amount with higher interest. Hence she had given a loan of Rs. 67 Lakhs on 18.10.2016 through a bank transfer, but till date he has not paid either the principal or the interest and on 18.07.2022, he has paid a sum of Rs. 10,00,000 and cheated the remaining amount, hence the



Crl.O.P.No.19993 of 2023

complaint.

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3. The learned counsel for the sole-accused/petitioner would contend that the *de-facto* complainant is none other than the wife of the maternal uncle. They had two sons and the 1st son is a cancer patient. They had received some amount as compensation for the land acquired. The husband has paid Rs.40,00,000/- and wife gave Rs.35,00,000/- and for the treatment of the elder son, it was entrusted to the petitioner/accused and by way of medical treatment of Rs.42,00,000/-, he has given the treatment for the cancer patient and besides, he has also paid to the *de-facto* complainant and her younger son, thus totally he has repaid a sum of Rs.66,60,000/-. Subsequently, on 09.08.2023, he has paid the remaining amount of Rs.40,000/- to the elder son and as of now, there is no payment due. Further, stated that the alleged payment is in the year 2016 and the case is registered after 7 years, is time barred and a civil case has been converted as a criminal case. Hence, he prays for anticipatory bail to the petitioner.

4. Heard the learned Government Advocate (Crl.side)



CrI.O.P.No.19993 of 2023

appearing for the respondent.

5. Taking note of the factual position that whether the claim is time bound and it is also said to have been repaid, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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.I, Dharmapuri**, 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



CrI.O.P.No.19993 of 2023

identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[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.

04.09.2023

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Crl.O.P.No.19993 of 2023

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