



Crl.O.P.32025 of 2022

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T.V.THAMILSELVI, J.

Today, the matter is listed under the caption "for being mentioned".

2. It is brought to the notice of this Court that some typographical error has been crept in para Nos.4 & 6 of the order dated 09.01.2023. The said para Nos.4 & 6 are to be replaced as follows:

“4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner has borrowed a sum of Rs.5,00,000/- from the de-facto complainant and cheated the de-facto complainant by not repaying the same. Based on the complaint given by the de-facto complainant a case in Crime No.497 of 2022 has been registered. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Heard both the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.”

3. The time for surrender is extended for a further period of two



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weeks from the date of receipt of a copy of this order. It is made clear that no further extension of time will be granted.

4. Registry is directed to carry out necessary correction in the Order and issue fresh order copy.

28.03.2023

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The petitioner, who apprehends arrest at the hands of the respondent police punishable for the offences punishable under Sections 420 & 506(i) of IPC, in Crime No.Not known of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused has borrowed a sum of Rs.4,50,000/- from the de-facto complainant and failed to repay the same. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that originally the money was borrowed by one Prabhakar from the de-facto complainant and when the said Prabhakar died due to cancer without paying the debt, the de-facto complainant insisted the petitioner to issue cheque and obtained the same two years back. He further stated that now on taking advantage of the cheque issued by the petitioner,



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the de-facto complainant has lodged a false complaint against him. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner has borrowed a sum of Rs.4,50,000/- from the de-facto complainant and cheated the de-facto complainant by not repaying the same. Based on the complaint given by the de-facto complainant a case in Crime No.497 of 2022 has been registered. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is prepared to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of crime number and also submitted that the petitioner has no objection in the amount being released in favour of the de-facto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.



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6. Heard both the learned counsel for the petitioner and the Intervener as well as the learned Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel that the petitioner without prejudice to his rights is volunteered to deposit a sum of Rs.1 lakh to the credit of the Crime Number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on anticipatory 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 XIII Metropolitan Magistrate, Chennai**, 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 stands dismissed and on further condition that:

[a] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.497 of 2022 before the learned XIII Metropolitan Magistrate, Chennai, within four weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] 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;

[c] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of three months and thereafter, 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;



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[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.

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