



Crl.O.P.No.32102 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 406 & 506(1) of IPC in Crime No. Not known of 2022, 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.5,50,000/- from him in the year 2020 and failed to repay the same. The further allegation is that when the de-facto complainant asked to repay his money, the petitioner refused and threatened him with dire consequences. Based on the complaint given by the de-facto complainant a case in Crime No.97 of 2022 was registered for the offences under Sections 406 & 420 IPC. Hence the case.

3. Learned counsel for the petitioner appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner agreed that she has borrowed money from the de-facto complainant and due to covid,



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she was unable to repay the same and now she is ready to settle the matter.

He also stated that the petitioner, in order to show her bonafide, is ready to deposit a sum of Rs.1,00,000/- to the credit of crime number. Hence he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, by not repaying the loan amount obtained from the de-facto complainant to the tune of Rs.5,50,000/-, cheated him and also when it was questioned by him, the petitioner threatened him with dire consequences. He further submitted that based on the complaint given by the de-facto complainant a case in Crime No.97 of 2022 was registered for the offences under Sections 406 & 420 IPC. Hence, he opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case



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and the submissions made by the learned counsel for the petitioner and also taking note of the fact that in order to show her bonafide, the petitioner is ready to deposit a sum of Rs.1lakh to the credit of the Crime Number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned XV Metropolitan Magistrate, George Town**, 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.97 of 2022 before the learned XV Metropolitan Magistrate, George Town, Chennai,



within a period of three 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 every Saturday at 10.30 a.m. for a period of eight weeks 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;

[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



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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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