



CrI.O.P.No.1489 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 of IPC registered in Crime No.15 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant had given a sum of Rs.10,00,000/- by cheque to the petitioner herein for purchase of gold and that the petitioner did not purchase gold and did not return back the amount. However, the learned counsel for the petitioner submitted that the petitioner and the defacto complainant are doing business in purchasing and selling gold jewellery and they have closed down the business nearby 2 years back. It is stated that when the accounts were reconciled, the petitioner found that the defacto complainant must pay to the petitioner a sum of Rs.50,000/-. To cover that particular aspect, it is stated that a false complaint has been lodged against the petitioner. It is also stated that the dispute is purely civil in nature. In the FIR, the date on which the amount of Rs.1 lakh had been handed over has not been mentioned. The complaint had been



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lodge in the year 2022. FIR has been registered in the year 2024.

3. Taking an over all consideration of the entire facts of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

4. Accordingly, the petitioner is ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned V Metropolitan Magistrate, Egmore, 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 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.



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[b] the petitioner shall report before the respondent Police, every day at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

[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;

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