



Crl.O.P.No.2010 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 120(B) of IPC, in Crime No.3 of 2024, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Devi Nirmala is that, the petitioner along with other accused was unknown to me but known by one Arulmugaraja and Ramachandran Advocate. On their request and advice, I borrowed money from IOB by pledging my jewels and transferred a sum of Rs.50 lakhs to Cholanmandam Finance Company and get the petitioner's property released from the mortgage. She promised to repay the amount within three months. However she has not kept her promise and cheated the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case. He further submits that he was not given any advise to the accused A1 and A2



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in respect of borrowing the amount from the defacto complainant. 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 petitioners A3 and A4 are advocates and from their mobile phone only the defacto complainant was called upon and at their instigation, she paid the amount to A1 and A2. He further submits that after setting the loan and securing the original title deed A1 and A2 refused to give the amount and thereby cheated the defacto complainant. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5 .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.50,000/- to the



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credit of the Crime Number, 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 (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate Court, Tambaram*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, 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 and on further condition that:

(a)the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.3 of 2024 before the learned Judicial Magistrate Court, Tambaram, within a period of two weeks from the date of receipt of a copy of this order;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[c] the petitioner shall report before the respondent police 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 has been imposed and the petitioner is 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

04.04.2024

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