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Crl.O.P.No.4312 of 2024

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and Crl.M.P.No.4443 of 2024

C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.18 of 2024 registered by the respondent Police for the offences punishable under Sections 406 and 420 of IPC.

2. It is stated that the petitioner had received a sum of Rs.9.50/- lakhs from the defacto complainant promising to get a Government job. The petitioner is a retired employee of the Metropolitan Transport Corporation, Chennai.

3. It is also stated that a sum of Rs.2/- lakhs had been received. A post dated cheque for Rs.7.50/- lakhs had returned dishonoured when presented for payment. Since that cheque had been dishonoured, the defacto complainant had also filed necessary proceedings under the Negotiable Instrument Act. It is also stated that the petitioner herein had also lodged a complaint against an individual Mr.Dakshinamurthy on which the P6, Kodungaiyur Police Station had registered CSR No.1071 of 2023 dated 24.06.2023. The petitioner should never have got involved in the entire issue in the first place.



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4. However, taking all the other factors into consideration this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate, Madhavaram**, 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, 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.

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



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[c] the petitioner shall deposit a sum of Rs.2,00,000/- to the credit of crime No.18 of 2024 and on such deposit, the learned Judicial Magistrate, Madhavaram, may retain it in an interest earning Fixed Deposit in any one of the Nationalised Banks. If the defacto complainant obtains favourable orders in the case registered under the Negotiable Instruments Act, this amount together with interest may be returned back to the petitioner herein. It all depends upon the nature of the order passed in calendar case taken cognizance under the Negotiable Instrument Act. If that ends in an acquittal, then it would only indicate that the defacto complainant is not entitled for any amount, then the amount may be returned back to the petitioner herein. But let it be retained in Fixed Deposit till the conclusion of the trial under the Negotiable Instrument Act, and thereafter, final orders may be passed.

[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 petitioners 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.

5. Consequently, connected miscellaneous petition is allowed.

11.03.2024

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