



Crl.O.P.No.10426 of 2024

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 403, 406 and 409 of IPC in Crime No.315 of 2023, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant had obtained a loan for a sum of Rs.3,40,000/- from the Equitas Small Finance Bank to meet out his medication expenses and that he was repaying the EMIs through his son's IOB Account and the same was paid through ECS and and that whenever there is a default in repayment of the loan, the collecting staff of the said Bank will come and collect the amount and issues receipt for the same and that on one such occasion i.e. on 10.08.2021 one Dharsan came to the residence of the de-facto complainant and said that he was sent by one Mohanraj and collected a sum of Rs.9,200/- and issued a receipt dated 31.07.2021 representing the previous month. Thus, the said Dharsan has cheated the de-facto complainant. Hence, the complaint.



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3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submitted that the collecting staff's name has been mentioned as Dharsan and the present petitioner's name is Dhatchanamoorthy. The petitioner is never called as Dharsan and thereafter the respondent Police called the petitioner and enquired with him and obtained signatures from the petitioner on ten blank sheets and snatched the identification card of the petitioner. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner is a collection agent and the bank officials are threatening the de-facto complainant stating that in case of non-clearance of the balance loan amount, the property will be attached by filing recovery proceedings. He further submits that there is no previous case against the petitioner. However, he opposed for granting anticipatory bail to the petitioner.



5. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that the petitioner has agreed not to harass the de-facto complainant except manner known to law and that there is no previous cases pending against him, 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-II, Thiruvallur*** 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 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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Crl.O.P.No.10426 of 2024



[b] the petitioner shall report before the respondent Police Station on every Saturday at 10.30 a.m, for a period of four weeks;

[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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