



Crl.O.P.No.13057 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406 and 420 IPC in Crime No.113 of 2024 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Petitioner obtained a loan for a sum of Rs.2,00,000/- from the defacto complainant. Against which, he preferred a Civil Suit and obtained a decree. The learned Magistrate, without perusing any prima-facie materials, directed the Inspector of Police to lodge a FIR, which is contrary to the provisions of law. He further submitted that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent raised objections, stating that, instead of giving direction to make further



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investigation, the learned Magistrate directed the Inspector of Police to lodge FIR. As per the same, FIR was lodged. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

4. Taking into consideration the facts of the case and the submissions made by the learned counsels, and the fact that half of the error lies on the part of the learned Magistrate also and a Civil suit is pending between the parties in O.S.No.1998 of 2023 on the file XI Assistant City Civil Court, Chennai and decree was also obtained, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioners are ordered to be released on **anticipatory 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 XVIII Metropolitan Magistrate, Saidapet, Chennai*, 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



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concerned and on further condition that:

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(a) 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;

[b] the petitioner shall report before the respondent police 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 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;

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

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