



Crl.O.P.No.15391 of 2024

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WEB C **T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 406, 420 and 506(2) of IPC in Crime No.206 of 2024, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the de facto complainant approached the petitioner to arrange the mortgage loan by keeping the house documents and other documents as security for obtaining the loan. The petitioner has received a sum of R.25,000/- as advance to arrange the loan, but the petitioner failed to full fill his promise. When the de-facto complainant asked for return of his documents and the advance amount, the petitioner has abused him in a filthy language and threatened with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent

submitted that the the petitioner had borrowed a sum of Rs.25,000/- and original house documents from the de-facto complainant as security for obtaining the loan. The petitioner neither arranged loan nor repaid the amount and original house documents to the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is ready to deposit the amount of Rs.25,000/- to the credit of the crime number and he is also ready to return the original documents. The learned counsel further submitted that the petitioner has no objection in the amount being released in favour of the de-facto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case



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and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the petitioner has volunteered to pay a sum of Rs.25,000/- to the credit of the Crime No.206 of 2024, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.1, Mannargudi**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (**out of which, one surety must be blood surety**), 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 stands dismissed and on further condition that:

[a] the petitioner shall deposit a sum of Rs.25,000/- to the credit of Crime No.206 of 2024 before the concerned Magistrate at the time of furnishing sureties and on such deposit, the de-facto complainant is permitted to withdraw the same, on



filing undertaking affidavit and proper identification and acknowledgment;

[b] 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;

[c] the petitioner shall report before the respondent police every Wednesday at 10.30 a.m. for a period of two weeks;

[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 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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