



Crl. O.P. No.17262 of 2024

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P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 120B, 465, 468, 471 and 420 of IPC in Crime No.26 of 2019, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that one Subramaniam was running an unregistered chit fund group in the name of Friends Finance and the defacto complainant has joined in two chit groups in the said chit fund group and the said Subramaniam asked her to give two cheque leaves and she also gave unsigned cheque leaves and during 2014, at the end of the chit, when the defacto complainant took away the chit amount and asked to return the cheque leaves, he refused to return back the cheques and thereafter, the defacto complainant came to know that the said Subramaniam and other accused forged the signature of the defacto complainant in the said cheque leaves and initiated cheque case against her under Section 138 of N.I. Act and hence the defacto complainant lodged complaint against the accused. Hence the case.



Crl. O.P. No.17262 of 2024

3.The learned counsel for the petitioner would contend that false case has been registered against this petitioner and he has not committed any offence as alleged in the FIR. The name of the petitioner is not found in the FIR. The respondent police filed charge sheet before the Judicial Magistrate, Tiruchengode in C.C. No.316 of 2019. Thereafter, the defacto complainant filed a petition for further investigation and the same was allowed on 27.01.2021. Thereafter, the respondent police issued summons to the petitioner and he attended the enquiry and already, a civil dispute in O.S. No.28 of 2015 on the file of Sub Court, Tiruchengode is pending for specific performance of contract and the same was decreed in favour of the petitioner on 30.08.2016. Now in order to dilute the above said civil proceedings, this false complaint has been lodged against him and hence he seeks anticipatory bail.

4.The learned Government Advocate (Criminal Side) would submit that initially the petitioner was arrayed as accused in this case. Thereafter his name was deleted and charge sheet was filed as against the other accused and thereafter, the defacto complainant filed an application before the Trial Court for further investigation and the same was allowed and thereafter, again the petitioner was arrayed as A2 and supplementary



Crl. O.P. No.17262 of 2024

charge sheet was filed. Investigation is already completed. Charge sheet was filed and the case is pending for trial and hence he objected to grant anticipatory bail to the petitioner.

5. The learned counsel appearing for the intervener would contend that one Subramaniam was running a Chit Fund group and the defacto complainant is one of the subscribers and she joined in two chit groups. When the defacto complainant was the succeeded bidder of the chit, at the time, the said Subramaniam asked her to give two empty cheque leaves for security purpose. Since at that time, as the defacto complainant was at Chennai, the said Subramaniam insisted her through phone to hand over the cheque leaves to her cousin brother Raja and the said Raja collected the cheque leaves from the husband of the defacto complainant. Thereafter, the defacto complainant's signature was forged in the cheque leaves and the cheques were presented for collection and thereafter, proceedings under Section 138 of Negotiable Instruments Act was also initiated as against the defacto complainant. The defacto complainant lodged a complaint before the Inspector of Police, Tiruchengode Town Police Station, Tiruchengode with regard to the above said cheating. Initially this petitioner was arrayed as an accused in the said criminal case



Crl. O.P. No.17262 of 2024

and thereafter, without proper enquiry, charge sheet was filed by deleting the name of the main accused, who is the petitioner herein. Therefore, the defacto complainant filed an application for further investigation and the same was allowed and thereafter, the petitioner was once again added as accused. Therefore, he strongly opposed to grant anticipatory bail to the petitioner.

6. Heard both side and perused the materials available on record.

7. Considering the rival submissions on either side, considering the fact that litigations are pending between the parties and also considering the fact that investigation is completed and charge sheet was filed, I am inclined to grant anticipatory bail to the petitioner, subject to the following 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, Tiruchengode** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two



Crl. O.P. No.17262 of 2024

sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the Judicial Magistrate, Tiruchengode on the first working day of English Calendar month at 10.30 a.m. for a period of 6 months.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

09.08.2024

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P.DHANABAL,J

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CrI. O.P. No.17262 of 2024

To

- 1.The Judicial Magistrate, Tiruchengode
2. The Inspector of Police, District Crime Branch, Namakkal District.
3. The Public Prosecutor, High Court, Madras.

CRL OP.No.17262 of 2024

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