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Crl.OP.No.18808 of 2024

Crl.O.P.No.18808 of 2024  
and Crl.M.P.No.11410 of 2024

**P.DHANABAL, J.**

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 506(i) & 120(b) of IPC in Crime No.61 of 2024, seeks anticipatory bail.

2. Crl.M.P.No.11410 of 2024 has been filed by the defacto complainant seeking to intervene in this original petition. Considering the fact and circumstances of the case, this miscellaneous petition is ordered, accordingly.

3. The case of the prosecution is that the defacto complainant had approached the accused 1 and 2 for availing loan of Rs.30 crores for the purpose of developing his hospital namely Mathimed Hospital. The defacto complainant was demanded to pay for the processing fee, who in turn on several occasion had paid a sum of Rs.9l lakhs, 24 lakhs and 30 lakhs and now the accused neither arranged the loan or repaid the



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amount to the defacto complainant. Hence, the complaint.

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4. The learned counsel for the petitioner submitted that he is an innocent person and he has nothing to do with the alleged offence. The defacto complainant and the petitioner are friends. It is the defacto complainant had borrowed a sum of Rs.1 crore from the petitioner and had executed promissory note, loan agreement and had signed a cheque as guarantee. Further, the defacto complainant paid a sum of Rs.91 lakhs and refused to pay the balance amount, therefore, the petitioner has filed a suit in O.S.No.66 of 2024 on the file of Sub-Court, Melur for recovery of the amount. This complaint has preferred this false case in order escape the clutches of law. Hence, seek anticipatory bail.

5. The learned counsel for the intervening petitioner/defacto complainant submitted that the defacto complainant had approached the accused 1 and 2 for availing loan of Rs.30 crores for the purpose of developing his hospital namely Mathimed Hospital. The defacto complainant was demanded to pay for the processing fee, who in turn on



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several occasion had paid a total sum of Rs.1,65,00,000/- and now the accused 1 and 2 neither arranged the loan or repaid the amount to the defacto complainant. When the same was questioned, the defacto complainant was threatened with dire consequences. Hence, the complaint.

6. The learned Government Advocate (Crl.Side) would submit that there is a pending dispute between the parties. As the defacto complainant for the purpose of availment of loan had paid a sum of Rs. 1,65,00,000/-, the accused 1 and 2 did not arrange the loan amount, when the same was questioned, the defacto complainant was threatened with dire consequences. Further, the investigation in this case is also not completed and hence, opposed the grant of anticipatory bail to the petitioner.

7. Considering the rival submissions on either side and also the fact that there is a money dispute pending between the parties and the dispute is civil in nature and also a suit is pending in O.S.No.66 of 2024



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for recovery of money, this Court is 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Poonthamalee, Thiruvallur District, 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 daily at 10:30 am until further orders.



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[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 petitioners 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]**.

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

16.08.2024

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**P. DHANABAL, J.**



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