



Crl. O.P. No.19031 of 2024

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WEB C P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 406 and 420 of IPC in Crime No.564 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant arranged loan to the petitioner, from one Jayaprakash to the tune of Rs.9,50,000/-, for which the defacto complainant stood as guarantor. The petitioner failed to repay the said amount and hence the defacto complainant repaid the said amount to the Jayaprakash. Therefore, the defacto complainant lodged a complaint before the respondent police as against the petitioner. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent and he borrowed only Rs.1,50,000/- and he has repaid the amount of Rs.9,50,000/- which is more than the money, what he borrowed and a false case has been foisted against him. The defacto complainant and his wife are money lenders for interest. The petitioner has also given complaint against the defacto complainant. The petitioner



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has not committed any offence as alleged by the respondent police and hence he seeks anticipatory bail.

4.The learned Additional Public Prosecutor would submit that _the petitioner and the defacto complainant are neighbours and the defacto complainant introduced one Jayaprakash and he gave Rs.9.5 lakhs to the petitioner and for the said loan, the petitioner has produced the document of property as security and later it came to know that, the property is not lying in the name of the petitioner and hence he has committed criminal breach of trust and cheating. Therefore, he objected to grant anticipatory bail to the petitioner.

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

6.Considering the rival submissions on either side and considering the fact that there is a money dispute between the parties and considering the nature of offences, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7.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



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the date on which the order copy made ready, before the learned **Judicial**

Magistrate, Thiruvottriyur 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. until further orders.

[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.



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07.08.2024

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To

1. The Judicial Magistrate, Thiruvottriyur.
2. The Inspector of Police, M-5, Ennore Police Station, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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