



Crl.O.P.No.19540 of 2024

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P.DHANABAL, J.

The petitioner who apprehend arrest for the alleged offences under Sections 406, 420 and 506(1) of IPC in Crime No.309 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had borrowed money from the *de facto* complainant and has not repaid the same. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner had not committed any offence as alleged and the petitioner had been falsely implicated in this case. He further submitted that the petitioner is ready and willing to furnish substantial sureties for his due release and abide by any condition that may be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner and the second accused are wife and husband respectively and they are running a school. Apart from the development fee, the first accused has borrowed loan from the *de facto* complainant to a tune of Rs.4,00,000/- out of which only Rs.95,000/ has been returned and there is no previous cases as against the petitioner and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

5. When this matter was taken up for hearing, the learned counsel for the petitioner has presented a Demand Draft dated 02.09.2024 for a sum of Rs.50,000/- without causing any prejudice to his defence. The *de facto* complainant was also present and received the Demand Draft and the same has been endorsed to that effect.

6. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and that there is no previous cases as against the petitioner and further, taking into consideration of the fact that the petitioner has handed over the Demand Draft without prejudice to his defence, this Court is inclined to grant



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anticipatory bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***Judicial Magistrate II, Chengalpattu*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (each) (Rupees Ten Thousand Only), with two sureties, each 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 and on further condition that:

[a] the petitioner shall report **before the respondent police on every Saturday, for four weeks.**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade then from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.



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

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[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 petitioner thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

06.09.2024

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