



Crl.O.P.No. 19795 of 2024

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P. DHANABAL, J

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 420 of IPC and 66D of Information Technology Act in Crime No. 105 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner approached the de-facto complainant and requested money for his wife's medical emergency. Subsequently, the de-facto complainant sent a sum of Rs.27,000/- on 17.09.2023 and sent a sum of Rs.70,000/- on 06.11.2023 through Google Pay from his Mobile to the petitioner. Thereafter, the petitioner failed to repay the said amount. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that no previous case is pending against him and he has been falsely implicated in this case. Therefore, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the de-facto complainant sent a sum of Rs.97,000/- through Google Pay from his Mobile to the petitioner. Thereafter, the petitioner failed to repay the said amount. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above submissions made by the learned Counsel on either side, no previous case is pending against the petitioner, considering the nature of offence and all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***Judicial Magistrate No. 1 Court, Poonamallee***, on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition



that:

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[a] the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the jurisdictional Magistrate Court on every Monday at 10.30 a.m. for four weeks;

[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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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]***; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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