



Crl.O.P.No.19748 of 2024

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WEB C **P.DHANABAL,J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 IPC, in Crime No.50 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are friends. On 29.03.2021, the petitioner approached the defacto complainant with an agreement and two Equitos Bank Cheques seeking loan of Rs.12 lakhs to start a new business of credit card selling agency and foreign employment agency and assured to return the amount in two months. Due to their friendship, the defacto complainant gave the said amount to the petitioner. Thereafter, the petitioner did not return the money as assured by him. Later on 19.06.2021, the petitioner approached the defacto complainant with a property document situated at Sholinganallur stating that the said property was coming for sale and under the guise of arranging the said property to the defacto complainant for lower price, obtained a sum of Rs.7,50,000/- from the defacto complainant towards the advance amount for the property and thereafter, he cheated the defacto



complainant and total, the petitioner cheated the defacto complainant to the tune of Rs.19,50,000/-. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. Further, the entire cause of action is for money dispute that arose in the year 2021. The learned counsel submitted that initially the defacto complainant filed a complaint under Section 138 of NI Act and when the same was at the stage of numbering, he also filed a private complaint under Section 156(3) of Cr.P.C. with same averments before the 14th Metropolitan Magistrate, Egmore, Chennai, by suppressing the complaint filed by him under Section 138 of NI Act. Thereafter, the present FIR came to be filed as per the directions of the Court below. Meanwhile, the complaint under Section 138 of NI Act, got numbered and the same is pending. He further submitted that a false case has been foisted in order to harass the petitioner and to grab money from him and that there is a delay of 3 ½ years in lodging the complaint. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor appearing for the defacto complainant submitted that after obtaining money of Rs.19,50,000/- from the



defacto complainant towards loan for starting business and advance amount towards purchase of land for the defacto complainant, the petitioner failed to repay the amount. At one point of time, the petitioner issued 3 cheques to a total sum of Rs.19,50,000/-. But, when the same were presented for collection, they were dishonoured for the reason “Funds Insufficient” on 28.06.2023 and 26.07.2023. Hence, the defacto complainant sent a legal notice dated 09.08.2023 to the last known address of the petitioner which was mentioned in the agreement but, the same was returned “unclaimed”. Hence, the defacto complainant filed a complaint under Section 138 of NI Act. Thereafter when the defacto complainant realized that the petitioner only to deceive money in a dishonest manner, has approached the defacto complainant, he lodged a private complaint seeking direction to register FIR against the petitioner and as per the directions of the Court, after conducting proper enquiry, the FIR came to be registered on 29.03.2024. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is a money dispute between the petitioner and the defacto complainant, and the petitioner issued cheque to the defacto complainant and the cheque also dishonoured. Based on the



complaint given by the defacto complainant, First Information Report has been registered and investigation is at initial stage and he opposed to grant Anticipatory bail to the petitioner.

6. Considering the submissions of both sides that it is a case of money transaction between the parties. Already, a cheque complaint has been filed and the same is pending, the occurrence is said to have taken place in the year 2021 and there is a delay in lodging the complaint and registering the FIR, and all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 (15) days from the date of receipt of a copy of this order before the **learned XIV Metropolitan Magistrate, Egmore, Chennai** 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 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



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everyday at 10.30 a.m. until further orders.

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[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 v. State of Kerala [(2005) AIR SCW 5560].

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

23.08.2024
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To

- 1.The XIV Metropolitan Magistrate, Egmore, Chennai
- 2.The Inspector of Police, F-4, Thousand Light Police Station, Chennai.
- 3.The Public Prosecutor, High Court, Madras-600 104.



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