



Crl.O.P. No.21589 of 2024

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WEB C P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 406, 420 and 506(i) of IPC in Crime No.276 of 2023, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that this petitioner had assured the defacto-complainant that his friend having a great influence over the TamilNadu officers and thereby he will allocate the Government contract of supply face mask in favour of the Defacto-complainant. On assuring his words, the defacto-complainant had given Rs.34,00,000/- in totaly on various dates. This petitioner swindled the said amount from the defacto-complainant and he did not take any steps to get the government tender in favour of the defacto-complainant. Hence the case.

3. The learned counsel for the petitioner would contend that the defacto-complainant is a money lender, this petitioner borrowed some amount to the defacto-complainant. But, the defacto-complainant demanded more interest for said amount and the same was refused by the petitioner. Hence, the defacto-complainant lodged a false complaint as



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against this petitioner. This petitioner is an innocent person and he had not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. There is no previous case as against this petitioner. Hence he seeks anticipatory bail to the petitioner.

4. Mr.K.J.Shiva Arudhra, learned Counsel for the intervener submitted that in this case, he is going to file intervene petition and he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) would submit that this petitioner cheated money from the defacto-complainant by promising that he would get the government tender for supply face mask in favour of the defacto-complainant. There is no previous case as against this petitioner. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

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



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WEB COPY 6. Considering the rival submissions on either side, considering the fact that there are no records to show that the petitioner is capable to pay such huge amount and already cheque was issued and the same was presented by the petitioner and there is a money dispute pending between the parties and there is no previous case as against this petitioner and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-I, Tambaram** 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 daily at 10.00a.m. until further orders;



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[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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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