



**Crl.O.P. No.21681 of 2024**

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**P. DHANABAL.J.,**

The petitioners apprehend arrest for the alleged offences under Sections 406 & 420 of IPC in Crime No.247 of 2024, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the defacto-complainant and the 1st petitioner have love affair. The 1st petitioner had borrowed huge amount from the defacto-complainant for opening gym and biriyani stall. Believing his words, the defacto-complainant gave huge amount to the 1st petitioner. But, the 1st petitioner did not repaid the said amount to the defacto-complainant and he refused to marry the defacto-complainant. Hence the case.

3. The learned counsel for the petitioner would contend that the defacto-complainant came out from her house and stayed with the 1st petitioner. Thereafter, due to misunderstanding, they are breakup their relationship and the defacto-complainant went to her parent's house. Due



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to personal vengeance, the defacto-complainant made a false complaint against the petitioners. There is no previous case as against these petitioners. These petitioners are innocent persons and they have not indulged in any illegal activities as alleged by the prosecution and they have been falsely implicated in this case by the respondent police and hence he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the 1st petitioner and the defacto-complainant have love affair for the past 12 years, the 1st petitioner borrowed huge amount from the defacto-complainant for his business. Believing his words, the defacto-complainant gave huge amount to the 1st petitioner, but he did not repaid the same to the defacto-complainant and also he refused to marry her. There is no previous case as against these petitioners. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioners.

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



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7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Metropolitan Magistrate Court No.IX, Saidapet, Chennai** on condition that the petitioners shall execute 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 learned Magistrate concerned and on further condition that:

**[a] the petitioners shall report before the respondent police daily at 10.00a.m. until further orders;**

[b] the petitioners 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



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the evidence.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

**05.09.2024**

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