



Crl.O.P.No.21429 of 2023

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and Crl.M.P.No.18501 of 2023

C.V.KARTHIKEYAN, J.

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The petitioners/A1&A2 seek anticipatory bail in Crime No.303 of 2023 registered by the respondent Police for the offences punishable under Sections 420 IPC.

2. It is the case of the prosecution that the defacto complainant had alleged that the first petitioner was running a beauty parlour in Chengalpet and had borrowed a sum of Rs.16,73,000/- for financial needs and to start a new business and to finance the production of a short film for the second petitioner.

3. It is stated that total sum of Rs.21/- lakhs had been forwarded by the defacto complainant to the first petitioner. The first petitioner had issued two cheques had drawn on Lakshmi Vilas Bank, at a time, when the said bank had merged with yet another bank and was not in existence in that name. The cheques had returned as dishonoured when presented for payment.

4. The learned counsel for the intervenor who is also present stated that subsequently there were exchanges of whatsapp messages between the petitioner and the defacto complainant.



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5. It is stated that the first petitioner had undertaken to repay the amount. The statements had been produced before this Court by either side, claiming, on the side of the accused that the amount had been repaid and on the side of the defacto complainant that what had been repaid were with respect to an earlier transaction and not with respect to the transaction in issue in this particular case.

6. These are the aspects which can be examined at the time of trial, but at any rate to ensure that these two petitioners, were not absconded from the judicial process.

7. However, taking all the other factors into consideration herein, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on 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 **Judicial Magistrate-II, Chengalpet**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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, failing which, the petition for anticipatory bail shall



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stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the first petitioner shall deposit a sum of Rs.5/- lakhs to the credit of Crime No.303 of 2023 and on such deposit, the learned Judicial Magistrate, No.2, Chengalpet, may be handed over a sum of Rs.3/- lakhs to the defacto complainant and retain a sum of Rs.2/- lakhs to an interest earning Fixed Deposit in anyone of the Nationalised Bank and pass final orders on conclusion of trial. If the accused are acquitted, the amount of Rs.2/- lakhs with interest may be handed over to the accused, if the accused are convicted, the amount together with interest may be handed over to the defacto complainant.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



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[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

4. Consequently, connected miscellaneous petition is allowed.

13.03.2024

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