



Crl.O.P. No.22459 of 2024

Crl.O.P. No.22459 of 2024

P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Section 406 and 420 of IPC in Crime No.5 of 2019, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the complainant had requested money of Rs.60 crores from the petitioner due to severe financial burden in his business. The petitioner promised him to arrange a loan for Rs.50 crores through Foreign Direct Investment, for which he had asked him to pay Rs.1 crore as processing fee, after receiving processing fee, the petitioner had never taken any efforts to arrange for loan or returning back the processing fee of Rs.1 crore. Hence the case.

3. The learned counsel for the petitioner would contend that 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.



Crl.O.P. No.22459 of 2024

WEB COPY

4. The learned Government Advocate (Criminal Side) would submit that this petitioner had cheated the defacto-complainant and the petitioner promised him to arrange a loan for Rs.50 crores through Foreign Direct Investment, for which he had asked him to pay Rs.1 crore as processing fee, after receiving processing fee, the petitioner had never taken any efforts to arrange for loan or returning back the processing fee of Rs.1 crore. In this case investigation completed, charge sheet filed and now the case is posted for framing of charges. This petitioner is the sole accused. 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.

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

6. Considering the rival submissions on either side, considering the nature of offence and the petitioner was not received any summons and the summons are served only with her wife, investigation completed, charge sheet filed and now the case is posted for framing of charges and there is no previous case pending as against this petitioner and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner,



Crl.O.P. No.22459 of 2024

subject to the following conditions:

WEB COPY

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 **Chief Judicial Magistrate, Puducherry** 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 Chief Judicial Magistrate, Puducherry on every working day at 10.30a.m. until further orders;

[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



WEB COPY



Crl.O.P. No.22459 of 2024

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.

18.09.2024

gvn



WEB COPY



Crl.O.P. No.22459 of 2024

P.DHANABAL,J

gvn

Crl.O.P.No.22459 of 2024

18.09.2024