



Crl.O.P.No24838 of 2024

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P.DHANABAL,J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 420 of IPC in Crime No.15 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A1 had borrowed loan from the defacto complainant on various occasions to the tune of Rs.15,00,000/-. The same was demanded by the defacto complainant, but the petitioner/A1 refused to return the same by citing various reasons. Thereby, the defacto complainant was cheated by the petitioner herein. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further states that the respondent police has registered a false case against the petitioner for an offence under Section 420 of IPC. Infact there was business transaction between the parties. No offence



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was committed as alleged by the respondent police. However, the petitioner is ready to deposit a sum of Rs.1 Crore to the credit of Cr.No.15 of 2024 before the concerned trial Court and the same may be kept in the fixed deposit. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Cr.L.Side) appearing for the respondent submits that based on the complaint given by the defacto complainant, a case in Cr.No.15 of 2024 was registered and investigation in this case is still pending and huge amount is involved in this case. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Cr.L.Side) and perused the materials available on record.

6. Considering the representations on both sides, there is a money transaction between the parties and the same took place from the year 2017 to 2024 and also considering the undertaking affidavit given by the petitioner that now, he is ready to deposit a sum of Rs.1,00,00,000/- to the credit of Cr.No.15 of 2024 before the concerned trial Court and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with



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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 days from the date on which the order copy made ready, before the learned **Judicial Magistrate-I, Namakkal** 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 on every Saturday at 10.30 a.m., for a period of eight weeks.

[b] the petitioner shall deposit a sum of Rs.1,00,00,000/- before the concerned trial Court to the credit of Cr.No.15 of 2024 and the same has to kept in the Fixed deposit and at the time of final adjudication, the trial court has to decide about the said amount.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



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[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.

30.10.2024

Vv



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