



Crl.O.P.No.25373 of 2024

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WEB C **P.DHANABAL, J.**

The petitioners apprehend arrest for the alleged offences under Sections 420, 465, 468, 471 and 34 of IPC in Crime No.485 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the first petitioner had borrowed a sum of Rs.3,50,000/- as loan from the defacto complainant and thereafter, failed to return the same. When the defacto complainant asked for repayment of the loan, the first petitioner has given a cheque. Thereafter, the defacto complainant deposited the cheque for realization found that the signature in the cheque is different. After enquiry, it was found that the cheque is in the name of the second petitioner. Both the petitioners have colluded and cheated the defacto complainant by using bogus cheque. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. However, on instructions, the learned counsel



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further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners had borrowed a sum of Rs.3,50,000/- as loan from the defacto complainant and thereafter, failed to return the same. When the defacto complainant asked for repayment of the loan, the petitioners have colluded and cheated the defacto complainant by giving bougus cheque. He further submitted that there is no previous case against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the representations made by both sides and the nature of offences charged against the petitioner and there is a loan transaction between the parties and a cheque was also given to the defacto complainant and also considering that there is no previous case against the petitioner, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate No.II, Kallakurichi*** on condition that each of the petitioner s 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report **before the respondent Police on everyday at 10.30 A.M., for a period of 30 days;**

[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 of the Court or to any police officer.

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

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

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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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]***.

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

17.10.2024

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