



Crl. O.P. No.27588 of 2024

Crl. O.P. No.25788 / of 2024

P. DHANABAL.J.,

The petitioner / A1, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 294(b), 323, 406, 493 and 506(i) of IPC in connection with the Cr. No.459 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner introduced himself as a Film director and further promised the defacto complainant that he would marry her and had sexual intercourse with her and also received money and jewels under the guise of giving a chance for her 3rd daughter to act as an artist, thereby cheated the defacto complainant by getting money from her as well as by pledging her jewels and had sexually abused her by promising that he would marry her. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against this petitioner for the alleged offences under Sections 294(b), 323, 406, 493 and 506(i) of IPC. In fact, the petitioner is an innocent and he is no way connected with the offence as alleged by the prosecution. The real fact is that the petitioner had given an advertisement for child artist for his short film and the defacto complainant and her daughter attended the shoot, but her



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daughter was not selected and so she asked for a role for her in that short film and further developed illicit relationship with the petitioner to get more chances in the films and received money from the petitioner several times to the tune of Rs.9 lakhs and blackmailed the petitioner for more money and as the petitioner refused to give money, the defacto complainant has lodged the present complaint as against the petitioner and the earlier application for anticipatory bail was dismissed by this Court and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that based on the complaint given by the defacto complainant, FIR has been registered against the accused for the alleged offences under Sections 294(b), 323, 406, 493 and 506(i) of IPC and investigation is at initial stage and the petitioner / accused has cheated the defacto complainant by obtaining money and her jewels and thereby strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offences, considering the relationship between the parties, considering the fact that though the earlier petition for anticipatory bail



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filed by the petitioner was dismissed by this Court, the respondent police have not secured the accused so far and also considering the fact that there is no previous case pending against this petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following 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 (15) days from the date on which the order copy made ready, before the learned **XXIII Metropolitan Magistrate, Saidapet, Chennai** on condition that the petitioners 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 daily at 10 a.m. until further orders.

[b] the petitioner is directed to deposit Rs.13 lakhs [Rupees Thirteen lakhs only] while producing the sureties before the



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concerned Magistrate Court within 15 days from the date of receipt of a copy of this order, without prejudice to his defence for the facts of the case and the defacto complainant is at liberty, to withdraw the amount on giving appropriate undertaking for redepositing the said amount as and when required.

[c] 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[d] the petitioner shall not leave India without the previous permission of the Court;

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

[f] 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



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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 accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

04.12.2024

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To

- 1.The XXIII Metropolitan Magistrate, Saidapet, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Virugambakkam Police Station, Koyambedu Police District, Chennai.

P.DHANABAL,J



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