



Crl.O.P.No.288096 of 2024

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A.D.JAGADISH CHANDIRA,J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420 and 34 of I.P.C. in Crime No.259 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that the the petitioner along with his parents conducted a chit transaction in which the de-facto complainant had deposited an amount of Rs.1,50,00,000/- and after the completion of the chit period, the accused refused to return the amount. Hence, this case.

3.Mr.B.Kumar, learned Senior Counsel assisted by Ms.N.Danalatchamy appearing for the petitioner would submit that the petitioner is an innocent person and he has been unnecessarily roped in this case, since he happens to be the son of the first and second accused. The financial dispute is between the de-facto complainant and accused Nos.1&2.The accused 1&2 in respect of money dispute, had issued a cheque for Rs.1,50,00,000/- in favour of the de-facto complainant and since it got dishonoured, the de-facto complainant had filed private complaint for offence under Section 138 of N.I.Act and it is pending in S.T.C.No.15210 of 2024 on the file of the learned Judicial Magistrate No.III, Puducherry. While so, in



order to pressure on the petitioner, a criminal complaint has been foisted implicating the petitioner. The complaint was filed before the Magistrate and the case came to be registered based on reference under Section 156(3) of Cr.P.C.

4. The learned Senior Counsel would further submit that the petitioner is a normal resident of Mumbai for the last 13 years and he is working as a Associate Director in a Private Limited Company and in order to pressure him and to settle the debts of his parents, the petitioner has been falsely implicated in this case. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Advocate (CrI. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the the petitioner is the son of A1 and A2. A1 and A2 have conducted a unauthorized chit and the de-facto complainant who had joined the chit fund on made payment to the tune of Rs.1,50,00,000/-.After completion of the chit, A1 & A2 had issued a cheque for Rs.1,50,00,000/- and it was presented for collection it had been returned dishonoured. The petitioner is also aware of the transaction. However he would submit that the case has been registered based on the reference from the learned Magistrate under Section



156(3) of Cr.P.C. he would object for grant of bail.

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5. Heard the learned counsel for the petitioner and the learned Advocate (Crl. Side) appearing for the respondent police and also perused the materials available on record.

6. Taking into consideration the facts and submissions and finding that the proceedings under Section 138 of N.I.Act had been initiated against accused 1&2 and this petitioner in S.T.C.No.15210 of 2024 on the file of the learned Judicial Magistrate No.III, Puducherry and also finding that the petitioner who is a resident of Mumbai, had been implicated in this case and further, the case has been registered based on reference under Section 156(3) of Cr.P.C, this Court is inclined to grant anticipatory bail to the petitioner with 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 No.III, 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 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



stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police on everyday at 06.30 p.m. for a period of one week and thereafter, he shall report before the respondent Police on the first Saturday of every month at 6.30p.m., until further orders;

[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.

[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.

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