



Crl.OP.No.26765 of 2023

Crl.O.P.No.26765 of 2023

WEB COPY

C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Cr.No.1516 of 2023 registered by the respondent police for the offence punishable under Sections 420 and 506(ii) of IPC.

2. It is stated by the learned Senior Counsel on behalf of the petitioner that the petitioner, an Advocate had necessity to borrow a sum of Rs.11,00,000/- in two transactions i.e., Rs.7,00,000/- and Rs.4,00,000/- from the defacto complainant. It is stated that this borrowal was in the year 2017 owing to medical condition and requirements for treatment of wife of the petitioner herein.

3. However, it is the case of the prosecution that the petitioner had actually borrowed a sum of Rs.19,00,000/- . It is also the common case of both the petitioner herein and also the respondent that the petitioner had repaid a sum of Rs.4,00,000/-, but, it is further stated by



Crl.OP.No.26765 of 2023

WEB COPY

the learned Senior counsel that the petitioner has every intention of repaying the amount which he had borrowed, but he had suffered from further medical complications and therefore was not in a position to generate money to repay the amount. To express bonafide, the petitioner offered to deposit a sum of Rs.2,00,000/- to the credit of Crime Number.

3.. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

4. 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-IV, Salem* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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



Crl.OP.No.26765 of 2023

WEB COPY

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 deposit a sum of Rs.2,00,000/- to the credit of Cr.No.1516 of 2023 on or before 24.01.2024 and on such deposit, the learned Judicial Magistrate-IV, Salem may hand over the said amount to the defacto complainant. It is made clear that by such deposit it is not an admission on the part of the petitioner that he is due and liable to pay the amount to the defacto complainant , or that the amounts are due and liable and are not barred by the law of limitation. The defacto complainant may receive the amount without prejudice to his right to take appropriate action in the manner known to law for recovery of any further sum. .

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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



Crl.OP.No.26765 of 2023

WEB COPY

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.01.2024

Vv



WEB COPY



CrI.OP.No.26765 of 2023

C.V.KARTHIKEYAN,J.

Vv

CrI.O.P.No.26765 of 2023

04.01.2024