



Crl.O.P.No.29870 of 2024

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SUNDER MOHAN, J.

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 316(1), 296(b) and 351(2) of BNS, 2023 in Crime No.553 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that a chit fund was run by one Sekar and the petitioner introduced the defacto complainant, who is the relative to the said Sekar; then the petitioner is said to have received a sum of Rs. 95,000/- and two sovereigns of gold from the defacto complainant to the said Sekar; and then, the said Sekar did not return the same. Hence, the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that the allegations disclose only a breach of promise and not cheating, as made out against the petitioner and that the petitioner had only introduced the said Sekar to the defacto



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complainant. He would further submit that there is one previous case pending against the petitioner, which was filed by the defacto complainant's brother in connection with a property dispute. Hence, he prays for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) for the respondent Police, on instructions, would submit that the investigation is pending and one previous case is pending as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration of the nature of allegations against the petitioner and also taking note of the fact that custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Cheyyar** on condition that the petitioner shall execute a separate 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 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 everyday at 10.30 a.m., until further orders;

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[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

29.11.2024

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