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CRL OP NO. 30675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30675 of 2024

R.Guna

S/o.Rajan, No.35/13A, Selvavinayagar Kovil Street, Sekar Nagar,
Jafferkhanpet, AshokNagar, Chennai - 600 083.

Petitioner(s)

Versus

The State Rep by
The Inspector of Police, E-10 Kayar Police
Station, Chengalpattu District. (Crime
No.116/2024).

Respondent(s)

Criminal Original Petition filed u/s. 482 of BNSS 2023 praying to enlarge the petitioner on anticipatory bail in the event of their arrest by the respondent police in Crime No. 116 of 2024 on the file of the respondent police.

For Petitioner(s): Panneerselvan S

For Respondent(s): Mr.S.Santhosh, Govt. Adv. Crl.Side

For Intervener : Mr.S.Arunkumar

ORDER

Apprehending arrest in connection with Crime No. 116 of 2024



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registered for the offences punishable under Sections 420 of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the accused had received a sum of Rs.2,67,000/- from the de-facto complainant under the guise of securing a job in Hyundai Company and thereafter, the accused had cheated the de-facto complainant. Hence the complaint.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is innocent and false complaint has been given against the petitioner. He would further submits that there was some financial dispute between the petitioners and the de-facto complainant, the petitioner/A1 received a sum of Rs.2,67,000/-in the year 2022 and he had repaid Rs.50,000/- and since the petitioner was unable to repay the payment to the de-facto complainant, the respondent registered a case u/s.156(3). He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of



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Rs.2,17,000/- to the credit of Crime Nummber. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused had received a sum of Rs.2,67,000/- from the de-facto complainant under the guise of securing a job in Hyundai Company and thereafter, the accused had repaid Rs.50,000/- to the de-facto complainant and later, the accused had cheated the de-facto complainant. He further submits that there is no previous case against the petitioner.

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.2,17,000/- (Rupees Two Lakh Seventeen Thousand only)** to the credit of the **Crime No. 116 of 2024** without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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5. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruporur, 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.



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[b] the petitioner is directed to deposit a sum of Rs.2,17,000/- (Rupees Two Lakh Seventeen Thousand only) to the credit of the Crime No. 116 of 2024 within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the de-facto complainant is permitted to withdraw the said amount on proper identification.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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



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Kerala [(2005)AIR SCW 5560].

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

16.12.2024

MSM

To

1. The State Rep by
The Inspector of Police, E-10 Kayar Police Station,
Chengalpattu District.
(Crime No.116/2024).

2.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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