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Crl.O.P.No.31511 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO.31511 of 2024

Kaliyappan

....Petitioner/A2

Vs

State Rep., by
The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
(Crime No.133 of 2024)

... Respondent

For Petitioner : Mr.K.Gangadaran

For Respondent : Mr.S.Santhosh,
Government Advocate(Criminal Side)

ORDER

The petitioner/A2, who apprehends arrest in connection with Crime No.133 of 2024, for the alleged offences punishable under Sections 316(2) and 318(4) of BNS 2023, on the file of the respondent Police, seeks anticipatory bail.



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2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He submits that the petitioner/A2 and other accused alleged to have cheated the defacto complainant and received the original property document and cheque leaves from the defacto complainant under the pretext of obtaining loan from the bank and allegedly initiated to file a case against him with fabricated documents. He further submits that the petitioner is no way connected in the alleged offence and A3 was released on bail by this Court in Crl.O.P.No.30636 of 2024 by order dated 09.12.2024 and 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 anticipatory bail, is that A1 and A3 have induced the defacto complainant and had promised to arrange for a loan of Rs.34 lakhs accepting to give 2% commission on the said amount and received the property documents of the defacto complainant for obtaining loan. He would submit that the accused without arranging the loan, had cheated the defacto complainant and when the documents were asked



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by the defacto complainant, A2 had threatened him that he would foist a false case against him under the SC & ST Act. He would also submit that the petitioner has no previous case as against him.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and also the nature of offences involved, 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.

5. 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.II, Dharmapuri**, 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



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condition that:

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[a] the petitioner and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30a.m., for a period of two weeks and thereafter, every Saturday at 10.30a.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 is 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 of BNS.

24.01.2025

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- To
- 1.The Judicial Magistrate No.II, Dharmapuri.
 - 2.The Inspector of Police, Krishnapuram Police Station,
Dharmapuri District.
 - 3.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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