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Crl.O.P.No.31663 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP NO.31663 of 2024
& Crl.M.P.No.982 of 2025**

D.Bipin Dhas

....Petitioner

Vs

The State of Tamil Nadu, Rep., by
The Inspector of Police,
W30, All Women Police Station,
Poonamallee, Chennai.
(Crime No.16 of 2023)

... Respondent

For Petitioner : Mr.C.K.M.Appaji

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

For Intervenor : Ms.P.Neelavathi

ORDER

The petitioner, who apprehends arrest in connection with Crime No.16 of 2023, for the alleged offences punishable under Sections 417, 406 and 420 of IPC, on the file of the respondent Police, seeks anticipatory bail.



Crl.O.P.No.31663 of 2024

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 and the defacto complainant are known to each other and there was a business transaction between them and thereafter, due to misunderstanding between them, the defacto complainant had given a complaint against the petitioner in Kanyakumari District in respect of very same allegation that the petitioner had cheated her to the tune of Rs.85 lakhs. He also submits that based on her complaint, enquiry was conducted in C.No.P2/SP/2246(a)/KKI/2023 and during such time, finding that the petitioner had already paid a sum of Rs.15,90,000/- to the defacto complainant and he was asked to pay the balance sum of Rs.20,00,000/- to her and thereby, the complaint was closed. Thereafter, the defacto complainant has given a present complaint on the very same set of facts and trying to recover the money from the petitioner by the police action and he 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



Crl.O.P.No.31663 of 2024

police, opposing for grant of anticipatory bail, is that the defacto complainant, viz., Sindhu Kumari, who is a divorcee had got the contact of the petitioner through face book and he had introduced himself as divorcee and expressed his intention to marry her and cheated to the tune of Rs.65 lakhs i.e.,Rs.41 lakhs by way of cash and 30 sovereigns of jewels and as against his promise he had married a Dentist and went abroad.

4.The learned counsel appearing for the intervenor vehemently opposed for the grant of anticipatory bail to the petitioner on the ground that the petitioner/A1 has cheated the defacto complainant to the tune of Rs.85 lakhs and also after enquiry, he had repaid the part of the amount i.e., Rs.20 lakhs.

5.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.



Crl.O.P.No.31663 of 2024

WEB COPY

6. 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.I, Poonamallee**, 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 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, first and third Saturday of every month 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



Crl.O.P.No.31663 of 2024

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.I, Poonamallee.
- 2.The Inspector of Police, W30, All Women Police Station, Poonamallee, Chennai.
- 3.The Public Prosecutor, High Court, Madras.



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Crl.O.P.No.31663 of 2024

A.D.JAGADISH CHANDIRA, J.

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**CRL OP NO.31663 of 2024
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