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Crl.O.P.No.31966 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. 31966 of 2024

C.Jayapal

... Petitioner

Vs

State Rep., by
The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam, Chennai.
(Crime No.1373 of 2017)

... Respondent

For Petitioner : Mr.B.Thirumalai

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

ORDER

The petitioner, who apprehends arrest in connection with Crime No.1373 of 2017 for the alleged offences punishable under Section 420 of IPC on the file of the respondent Police, seeks anticipatory bail.

2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks



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indulgence of this court. He submits that the petitioner has purchased the oil in the year 2015 to the tune of Rs.21,00,000/- from the defacto complainant and repaid a sum of Rs.8,00,000/- and for the balance amount, the defacto complainant had obtained signature of the petitioner in empty promissory note and took away the petitioner's car and thereby, there is no question of cheating arose. He would further submit that the commercial transaction of the year 2015 between the parties has been falsely projected as one of cheating 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 in the year 2015 a business transaction has taken place between the petitioner and the defacto complainant to the tune of Rs.21,00,000/- and he repaid only a sum of Rs.8,00,000/- and thereafter, after repeated demands, the petitioner without making payment, had cheated the defacto complainant and no previous case is pending as against him.



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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.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



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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

raa

To

1.The Judicial Magistrate No.I, Poonamallee.

2.The Inspector of Police, R-9, Valasaravakkam Police Station,
Valasaravakkam, Chennai.

3.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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