



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12498 of 2021

R. Kalimani,
S/o.Ramachandran

... petitioner

Vs.

State rep by
The Sub Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
(Crime No.505 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to grant anticipatory bail the petitioner in the event of arrest in connection with Crime No.505 of 2021 pending investigation on the file of the respondent police.

For petitioner : Mr.W. Camyles Gandhi

For Respondent : Mr.C.E. Pratap
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of IPC, 1860 in Crime No.505 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner purchased oil to the tune of Rs.1,25,000/- from the defacto complainant who is working as Zonal Manager in Oil Company and failed to re-pay the amount and thereby cheated the defacto complainant. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the defacto complainant does not supply oil to the petitioner and lodged a false case against the petitioner. The learned counsel, on instructions, further submits that the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.1,25,000/- to the



credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.1,25,000/- will be returned to the petitioner.

4. Heard the submissions made by the learned Government Advocate (Cr1.Side).

5. Considering the fact that the petitioner is ready to deposit the amount of Rs.1,25,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the Judicial Magistrate-II, Coimbatore, 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,25,000/- (Rupees one Lakh and twenty five Only) to the credit of Cr.No.505 of 2021 within a period of three weeks from the date of receipt of a copy of this order . On such deposit being made the same shall be disbursed to the defacto complainant by the learned Judicial Magistrate-II, Coimbatore after obtaining an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.1,25,000/- paid to him by the petitioner will be returned to the petitioner.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
22/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
KOVILPALAYAM POLICE STATION,
COIMBATORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to W.CAMYLES GANDHI Advocate on payment of necessary
charges S.R. NO. 7625

CRL OP.12498/2021

Date :22/07/2021

JPA 04/08/2021