



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Eleventh day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20878 of 2021

M.MAHESH BASAVA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
RACE COURSE POLICE STATION,
COIMBATORE CITY
CRIME NO. 691/2021

[RESPONDENT]

For Petitioner : M/S.A.PRAKASH ADIAPADAM Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government Advocate,
(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

O R D E R

(The case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120-B, 467, 468, 471, 420 & 511 of IPC in Crime No.691 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Branch Manager of ICICI Bank, Trichy Road Branch, Cheran Plaza, Coimbatore. The petitioner along with other accused persons have created forged cheque and attempted to encash the amount from the bank. Hence, this complaint has been lodged by the defacto complainant.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in the case based on the confession made by one of the arrested accused and his name does not find place in the First Information Report. He submitted submit that the petitioner is the friend of A2. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) raised objections and submitted that, the petitioner along with other accused attempted to encash the amount from the bank by creating forged cheque. He also submitted that co-accused/A4 to A8 were released on bail by the lower Court. Cheque was not encashed. A1 and A2 are still absconding. There is no previous case against the petitioner and the investigation is still pending.

5.Considering the facts and circumstances of the case and taking note of the fact that the cheque was not encashed and there is no previous case against the petitioner and also taking note of the fact that the co-accused were released on bail by the lower court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 learned Judicial Magistrate No.III, 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 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;

(b) the petitioner shall appear before the respondent police daily at 10.00 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

(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 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;

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

-sd/-

11/11/2021

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.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
RACE COURSE POLICE STATION,
COIMBATORE CITY.

+1 CC to M/S.A.PRAKASH ADIAPADAM Advocate on payment of
necessary charges SR.NO.12768

CRL OP.20878/2021

Date :11/11/2021

RW 16/11/2021