



Crl.O.P.No.17776 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 168, 415 r/w 420 of IPC in Crime No. 22 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as a Deputy Director in Tamil Development Garment business at Gandhi Nagar, Tiruppur. The defacto complainant got acquitted with the petitioner from 2014 personally and professionally. Since the petitioner in good position, taking advantage of friendship with the defacto complainant, the petitioner requested him a sum of Rs.1 Crore to invest in real estate business at Madurai, he would promote a layout and sell it to the Government Employees and showed the plan and other documents to the defacto complainant. Believing the said words of the petitioner, the defacto complainant gave a sum of Rs.1,00 05,000/-. The petitioner assured to repay the said amount within three months. However, he did not repay the same. Hence the complaint.

3.The learned counsel for the petitioner would submit that during the enquiry, the petitioner accepted the alleged borrowal and repaid Rs.49,00,000/- on various installment. Finally on 25.07.2017, he paid a



sum of Rs.1,00,000/-. Thereafter, he did not make any payment. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that this is the second anticipatory bail petition filed by the petitioner. The petitioner received a sum of Rs.1 Crore from the defacto complainant, subsequently, he has not paid the same. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and custodial interrogation of the petitioner is not required, 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 on which the order copy is made ready, before the learned Judicial Magistrate No.III, Tiruppur, 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



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petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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