



Crl.O.P.No.18982 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 406, 420, 465, 468, 471 of IPC in Crime No. 50 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has deposited a sum of Rs.10,00,000/- with the Koothanallur Central Co-operative Bank, and on the same day, a sum of Rs.1,00,000/- was deposited in Vikrapandiyam Primary Agricultural Co-operative Society, wherein the petitioner is working as Secretary of the Society. It is the further case of the prosecution that the petitioner had obtained signed withdrawal slip, signed blank cheque leaf, and unfilled signed papers. During the end of 2017, the petitioner called the defacto complainant, and obtained blank signed papers from him, and handed over a sum of Rs.8,00,000/- to the defacto complainant stating that the said amount is deposited by him in the Koothanallur Central Co-operative Bank, in which there was a wordy quarrel between them, hence the present complaint.

3. The learned counsel for the petitioner would submit that the



petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Even according to the prosecution, in the year 2017, on the issuance of signed blank cheque leaf the petitioner taken money from the defacto complainant. In fact, in the earlier occasion, the defacto complainant lodged a complaint and the same was closed as 'Mistake of Fact'. Thereafter, the petitioner issued notice, there by calling upon the defacto complainant to stop the defamatory statement against the petitioner, the same was replied by the defacto complainant by his reply notice dated 25.04.2022 again a rejoinder was issued by the petitioner on 02.05.2022. The petitioner filed a suit in O.S.No.58 of 2022 on the file of the Sub Court, Mannargudi and it is pending for claiming damages.

5. Considering the above fact and circumstances of the case, 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



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from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Mannargudi, 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 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**



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of Kerala [(2005)AIR SCW 5560].

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

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