



Crl.OP.No.20779 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 406, 420 & 120B IPC in Crime No.348 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. It is seen that there are totally six accused, in which the petitioner is arrayed as A6, who is the employer under A1 to A5. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police alleging that the defacto complainant entered into an agreement with the accused persons and paid a sum of Rs.5,00,000/- as advance for purchasing a flat. The petitioner herein also signed the receipt and received the said amount. However, thereafter, the accused persons A1 to A5 absconded. It is further case of the prosecution that the house for which the defacto complainant had paid advance, does not belong to A1 to A4 and also the cheque issued by the accused was dishonoured. Therefore, the accused persons jointly cheated the defacto complainant.



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3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the accused persons have jointly cheated the defacto complainant and thereafter, they absconded. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 made ready, 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



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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 of Kerala [(2005)AIR SCW 5560]**.

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

01.09.2022

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