



Crl.O.P.No.21751 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC, in Crime No.24 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused under the guise of inducting the *de-facto* complainant as a share holder in the Trust had received a sum of Rs.1,90,00,000/- on various occasions for constructing Annai Therasa Medical college and Hospital and cheated him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are none other than the wife and daughter of the main accused and a case of financial dispute between the parties has been falsely projected as criminal breach of trust and cheating. He would further submit that the entire case has been born out by documents and the main accused has been arrested and enlarged on bail. He would further submit



Crl.O.P.No.21751 of 2022

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that during the course of investigation, the respondent police have seized documents relating to the Trust and 100 sovereigns of jewels have been recovered from the main accused. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the accused under the guise of inducing the *de-facto* complainant in the Trust had taken amounts from the *de-facto* complainant and later had cheated him. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor would submit that the petitioners are none other than the wife and daughter of the main accused and they have also actively participated in the cheating. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory



CrI.O.P.No.21751 of 2022

bail to the petitioners with certain conditions.

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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court No.7, Coimbatore**, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners 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 petitioners shall report before the respondent everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.



WEB COPY



CrI.O.P.No.21751 of 2022

A.D.JAGADISH CHANDIRA, J.

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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

14.10.2022

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CrI.O.P.No.21751 of 2022



Crl.O.P.No.21751 of 2022

Crl.O.P.No.21751 of 2022

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The Criminal Miscellaneous Petition is listed today under the caption “for being mentioned”.

2. The learned counsel appearing for the Intervenor would submit that at the time of hearing of the petitioner, it was represented by the learned counsel for the petitioners that they did not own any property and they have also filed an Affidavit to that effect, however, it is not reflected in the order and he prays to record the said submission.

3. Considering the above submission, the para 3 of the order shall be read as follows:

“ The learned counsel for the petitioners would submit that the petitioners are none other than the wife and daughter of the main accused and a case of financial dispute between the parties has been falsely projected as criminal breach of trust and cheating. He would further submit that the entire case has been borne out by documents and the main accused has been arrested and enlarged on bail. He would further submit that during the



CrI.O.P.No.21751 of 2022

course of investigation, the respondent police have seized documents relating to the Trust and 100 sovereigns of jewels have been recovered from the main accused. He would also submit that the petitioners are not the beneficiaries to the transaction and in respect of the first petitioner there is one property which was purchased earlier and in respect of the second petitioner there is no property and the necessary affidavits have also been filed to that effect. Hence, he prays to grant anticipatory bail to the petitioners."

4. Registry is directed to issue a fresh order copy and the time already granted by this Court is extended for a period of two weeks from tomorrow.

04.11.2022

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Note: Issue order copy on 07.11.2022.



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Crl.O.P.No.21751 of 2022

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.21751 of 2022

04.11.2022