



Crl.O.P.No.25177 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 120(B), 409 and 420 of IPC, in Crime No.1 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused had pledged fake gold jewels and obtained a sum of Rs.1,32,50,000/- from Indian Bank, Cheranna Nagar. The defacto complainant/Zonal Manager came to know, through an unknown person, that the first accused was involved in a forgery case in Kerala and was remanded to judicial custody. Thereafter, the defacto complainant conducted an inspection and found that the fraud made by the accused. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the co-accused were arrested and released on bail. He further submitted that the petitioner is



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ready and willing to deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the credit of Crime No.1 of 2022, without prejudice to his right of defence. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally 12 accused in which the petitioner is arrayed as A3. The petitioner and other accused had pledged fake gold jewels and obtained a sum of Rs.1,32,50,000/- from Indian Bank, Cheranna Nagar. He also submitted that the earlier petitions filed by the petitioner were dismissed by this Court. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

5. Though, this Court had dismissed the earlier anticipatory bail petitions filed by the petitioner on three occasions, the respondent failed to secure the petitioner so far. Only because of non appearance of the petitioner, the entire investigation is staled. Therefore, keeping the petitioner out of investigation would not serve any purpose. The co-accused were also arrested and subsequently released on bail.



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6. Considering the above fact and circumstances of the case and also considering the fact that the co-accused were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only), without prejudice to his right of defence, to the credit of Crime No.1 of 2022, within a period of two weeks from the date on which the order copy made ready and on such deposit 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-VII, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related 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:



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[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 deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) without prejudice to his right of defence to the credit of Crime No.1 of 2022, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.m, for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

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