



Crl.O.P.No.758 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 120B, 468, 471, 420 and 506(ii) of IPC in Crime No.557 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was searching for house site, an agent from the accused A1's company approached the defacto complainant under the guise of getting land to him and putting up construction over the same. Thereafter, the petitioner herein, who was working in the said company, approached the defacto complainant for identifying the lands and subsequently, as one of the lands shown to the defacto complainant was up to his like, a sale agreement was entered into between the petitioner company and the defacto complainant, after payment of huge sum of money. Thereafter, upon verification, the defacto complainant came to know that the petitioner and the other accused persons played fraud by executing a



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forged document. When the defacto complainant enquired the petitioner company regarding the same, the petitioner and other accused persons threatened the defacto complainant with dire consequences and till date, they have not returned the amount collected from him. Hence the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he is a mere employee working under the accused A1, at the instance of whom, the petitioner approached the defacto complainant for identifying the lands, however, he had no intention to cheat the defacto complainant. However, he would submit that the petitioner, without prejudice to his rights and contentions is ready and willing to deposit some amount to the credit of Crime No.557 of 2022. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) would submit that the petitioner approached the defacto complainant under the guise of identifying the lands for purchase, pursuant to which, the victim entered into sale agreement with the petitioner company, after payment of huge



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sum of money. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions and that the petitioner is ready and willing to deposit some amount to the credit of Cr.No.557 of 2022 without prejudice to his rights, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of crime No.557 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, before the learned **Judicial Magistrate-VI, Coimbatore**, 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



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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.25,000/- (Rupees Twenty Five Thousand Only)** to the credit of crime No.557 of 2022 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 appear before the respondent police on every Saturday at 10.30 a.m., for a period of three months 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



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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;

12.01.2023

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To:

1. The Judicial Magistrate-VI,
Coimbatore.
2. The Public Prosecutor,
High Court of Madras.



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