



CrI.O.P.No.3672 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC and Section 5 of the Protection of Interest of Depositors Act, 1997, in Crime No.5 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with A1 was running a company and the petitioner canvassed the *de-facto* complainant to invest in that company. Due to which, the *de-facto* complainant has also invested. However, they neither paid any profit nor repaid the principal amount invested by the *de-facto* complainant, thereby cheated him. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an employee of YES Bank. To prove the same, he has also produced a copy of the ID card. He also submit that he is no way connected with the alleged amount invested with the A1 company. He



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further submit that he has not canvassed for the A1 company and a sum of Rs.3,00,000/- has already been settled to *de-facto* complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is the person who introduced A1 to the *de-facto* complainant. Based on that, the *de-facto* complainant deposited nearly a sum of Rs.8,00,000/- with A1. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner is an employee of YES Bank and nearly a sum of Rs.3,00,000/- has been settled to the *de-facto* complainant, 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 made ready, before the **learned Special Court under TNPID Act, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties (out of which, one surety must be a blood surety) 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 on every Saturday at 10.30 a.m. for a period of three months;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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]**;

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

24.02.2023

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