

CrI.O.P.No.4209 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 489(A), 489(B) and 420 of IPC in Cr.No.18 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the partner of M/s.Nice Poly Bacck presented a fake cheque of SBI Banck Jawahar Bhawan Branch, Lucknow, Uttarpradesh for a sum of Rs.4,50,00,000/-. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case and he was not aware of any facts with regard to fabrication of cheque presented before the defacto complainant's Bank. Further he submits that the petitioner is running a business in the name and style of M/s.NICE POLY BAACK and that he is a partner in the trade. More so, the said company was closed due to COVID – 19 pandemic. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. side) appearing for the respondent submits that totally there are three accused persons and the petitioner is arrayed as A1 in this case. Insofar as the other accused persons are concerned, investigation is still pending. The petitioner along with one Amir Basha had colluded and presented a fake cheque to the tune of Rs.4,50,00,000/- in the complainant's Bank with an intention of cheating. He further submitted that on verification of the cheque, the cheque belongs to savings account and in that account, there is no cheque facility and accordingly, it was declared that the cheque is bogus one. Further, the said Company is closed due to COVID-19 pandemic. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration facts and circumstances of the case and also the fact that the petitioner's Company was closed due to COVID-19 pandemic, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen



days from the date of receipt of a copy of this order, before the learned

Judicial Magistrate II, Tiruppur District, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each (one of which shall be a blood related surety) 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 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 Court concerned 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 every Tuesday and Friday at 10.30 a.m. for a period of three months and thereafter as and when required for interrogation;

(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 anticipatory 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

28.02.2023*rap***Crl.O.P.No.4209 of 2023**