



WEB COPY



Crl.O.P.No.4450 of 2023

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 420, 465, 468, 419 and 408 IPC in Cr.No.50 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was ex-employee in the defacto complainant's company and by using forged signature, created the joint account and thereafter withdrew a sum of Rs.7,40,000/- from the policy holder of one Mr.Ganeshmoorthy. Therefore, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. The co-accused in this case has already been granted bail by the lower Court. Hence, he prays to grant anticipatory bail to the petitioner.

4.The **learned Government Advocate (Crl. side)** submits that there are totally two accused in this case and the petitioner is A1. The defacto



complainant is Ageas Federal Life Insurance Co.Ltd., and the petitioner was ex-employee of the said company. A1/petitioner, by way of sending e-mails, changed the policy holders details, by using forged signature, created the joint account, and partially withdrew the policy amount of Rs.7,40,000/- from One Mr.Ganeshmoorthy, who is the policy holder and changed the same to one Annalakshmi's account. Thereafter, it was transferred to A2's bank account, who is wife of A1. Subsequently, the same was questioned by the defacto complainant, for which the petitioner repaid only a sum of Rs.2,10,000/-. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the co-accused has already been granted bail by the Court below, and the petitioner is ready to deposit an amount of Rs.50,000/- to the credit of the Crime number, 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.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.50 of



2023, and on such deposit, 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, 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 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 is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of Crime No.50 of 2023 and the defacto complainant is permitted to withdraw the said deposit amount of Rs.50,000/- on proper identification and acknowledgment;

(c) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;



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WEB COPY (d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

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

02.03.2023

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