



Crl.O.P.No.5112 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 419, 468, 471 and 420 of IPC and 66D of Information Technology Act, 2000, in Crime No.34 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused had induced the defacto complainant to invest money in the share market and assured him to arrange personal loan based on his investment and they have misused the name of Bajaj Finserv. Believing their words, the defacto complainant invested a sum of Rs.5 lakhs and later, the accused cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely roped in this case and he has not committed any offence as alleged by the prosecution. He



CrI.O.P.No.5112 of 2023

would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner's name does not find a place in the FIR and no amount has been deposited into his account. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused have contacted the defacto complainant through tele callers and under the guise of giving loan, received a sum of Rs.5 lakhs from him and thereafter, cheated him. Further, the accused have also cheated several person. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions of either side, that the petitioner's name does not find a place in the FIR and no amount has come into his



CrI.O.P.No.5112 of 2023

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account, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 from the date on which the order copy made ready, before **the learned Judicial Magistrate No.I, Coimbatore**, on condition that the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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**



CrI.O.P.No.5112 of 2023

everyday at 10.30 a.m., and 5.30 p.m., until further orders.

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

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

15.03.2023

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Crl.O.P.No.5112 of 2023

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Crl.O.P.No.5112 of 2023

15.03.2023