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Crl.O.P.No.5229 of 2023

Crl.O.P.No.5229 of 2023
and Crl.M.P.No.4081 of 2023

A. D. JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC, in Crime No.90 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complaint is that the accused under the guise of securing an admission for studies in Canada had received an amount of Rs.16,00,000/- from the defacto complainant and thereafter cheated him. Hence, the complainant.

3. The learned counsel appearing for the petitioner would submit that the financial dispute has been projected as a case of cheating. She would submit that the petitioner and the defacto complainant are close relatives. The petitioner secured an admission for the studies in Canada. However, the defacto complainant's son did not go there for studies.



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Further, the defacto complainant had invested money for running a restaurant in Ooty and subsequently, the petitioner and the defacto complainant suffered huge loss due to Covid-19 Pandemic and now a false complaint has been given against the petitioner. She would further submit that even as per the statement of accounts, an amount of Rs.3,00,000/- have been returned to the defacto complainant. She would also submit that without prejudice, the petitioner to show his bonafides, is prepared to deposit original title deeds of documents of immovable property worth about Rs.5 lakhs at the time of furnishing the sureties. Therefore, she prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner had induced the de facto complainant on a false promise/assurance of securing job in Canada and has cheated the de facto complainant to the tune of Rs.16,00,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor raised strong objection



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for grant of anticipatory bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioner is ready to deposit original title deeds of documents of immovable property worth Rs.5 lakhs at the time of furnishing the sureties, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall deposit the original title deed of an immovable property worth Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.90 of 2023 and on such deposit, 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.III, Coimbatore**, on condition that the petitioner shall execute a bond for a



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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 every day at 10.30, a.m, for a period of two week and thereafter every Saturday at 10.30 a.m., until further orders;

[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



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learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners

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. Accordingly, the connected Criminal Miscellaneous Petition No.4081 of 2023 is closed.

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20.04.2023

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