



Crl.O.P.No.6332 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 and 420 of IPC, in Crime No.3 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/K.Subramaniam is that the accused instigated the defacto complainant to purchase plots from them and thereby induced him to deposit a sum of Rs.2,39,000/- and later cheated him by not registering any plots in favour of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that the petitioner is an employee of the real estate company and he has not committed any offence. He would also submit that the crime number is of the year 2020 and the main accused/A1 was arrested and released on bail. Asfar as the



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petitioner is concerned, other than receiving the salary he has not benefited out of any of the transaction as alleged by the prosecution.

Hence, he seeks for grant of anticipatory bail to the petitioner. He would further submit that he is ready and willing to co-operate with the respondent in his investigation.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the Manager of the company and he has signed most of the receipts and the investigation is still pending. 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 submissions of the learned Counsel and the fact that the petitioner is only an employee under A1 and A1 has been arrested and released on bail, this Court is inclined



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to grant anticipatory bail to the petitioner subject to the following 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 II, Tiruppur, on condition that the petitioner shall execute a 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.



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[b] the petitioner shall report before the respondent police everyday 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 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]**;



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

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