



CrI.O.P.No.6492 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners / A1 and A2 who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 of IPC in Crime No.60 of 2023, seek anticipatory bail.

2.The 1st petitioner / 1st accused is not only the son-in-law of the defacto complainant, but incidentally also the brother of the defacto complainant. It is stated that there was a property of the defacto complainant and it is the contention of the learned Senior Counsel for the petitioners herein, that the defacto complainant had sold the property just prior to the entire incident for a sum of Rs.40,00,000/-.

3.It is stated that subsequently, with respect to the property of the 2nd petitioner, Power of Attorney was executed in favour of the defacto complainant. It is stated that for consideration of the Power of Attorney, the defacto complainant had transferred a sum of Rs.45,00,000/- to the account of the 1st accused.



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4.This fact is however denied and disputed by the learned Senior Counsel on behalf of the petitioners.

5.The facts being in dispute, the Court can never adjudicate on the same and it is only for the prosecution to establish it during the course of trial. However, as a security for proper conduct of the trial and not as condition for grant anticipatory bail, but to ensure that the trial proceeds without any unnecessary delay, the petitioners herein may jointly deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.60 of 2023 before the learned Judicial Magistrate No.V, Coimbatore. The learned Judicial Magistrate No.V, Coimbatore, may deposit it in any interest earning fixed deposit and to be renewed till completion of trial and if the petitioners are acquitted, the amount together with the accrued interest may be handed back to the petitioners. If any one of the petitioners are convicted, then the amount together with the accrued interest should be handed over to the defacto complainant.



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6. Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners herein with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate - V, Coimbatore, on condition that each one of the petitioner shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three



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weeks to co-operate with the investigation and thereafter as and when required for interrogation.

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

[d] the petitioners 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 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.

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