



Crl.O.P.No.11635 of 2023

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K.KUMARESH BABU, J.

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 & 506(ii) of IPC in Crime No.171 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are doing land promoting business in the name of Abirami realtors and the de-facto complainant booked the plot and came to know that approved plan was not given to petitioners. Hence, the de-facto complainant asked the petitioners to return the amount of Rs.2,92,000/- which had been paid by him. Therefore, the petitioners picked up quarrel and threatened him with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and the de-facto complainant with ulterior motive had lodged this complaint. The petitioners have returned a sum of Rs.92,000/- to the de-facto complainant. He would further submit



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that the petitioners are ready to deposit the balance amount of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of crime No.171 of 2023. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the total cheated amount is to the tune of Rs.2,00,000/- and hence, opposed for grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.171 of 2023, within a period of two weeks from today and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from today before the learned Judicial Magistrate No.I, Coimbatore, on condition that the



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petitioners shall execute a bond for a sum of Rs.10,000/- each (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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.171 of 2023, before the concerned Magistrate, within a period of two weeks from today.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the 1st petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

[e] the 2nd petitioner shall appear before the respondent police once in a week at 10.30 a.m. (i.e.Monday) until further orders.

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



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[g] the petitioners shall not abscond either during investigation or trial.

[h] 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]**.

[i] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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