



Crl.O.P.No.11783 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC in Crime No.116 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the first accused has ordered 3000 armless chair from the defacto complainant concern for a consideration of Rs.8,40,000/-. As agreed, the said armless chair were handed over to the petitioner and other accused. However, the petitioner along with other accused, tendered only a sum of Rs.24,000/- and fled away. On communication, the first accused promised to return the balance amount to the defacto complainant, which is no paid till date. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the complaint and FIR is false and hypothetical as that the petitioner is one of the load man to transport the loan and has no nexus with the



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agreement entered into between the 1st accused concern. Moreover, it is purely a civil dispute of recovery of money between the defacto complainant and the first accused concern. He would further submit the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is ready to deposit a sum of Rs.20,000/- (Rupees twenty thousand only) to the credit of Crime No.116 of 2023. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) would submit that the total cheated amount is to the tune of Rs.8,40,000/-. Hence, opposed for grant of anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is directed to deposit a sum of



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Rs.20,000/- (Rupees twenty thousand only) to the credit of crime No.116 of 2023, without prejudice to his rights and contentions before the trial Court, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate No.V, Coimbatore on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 deposit a sum of Rs.20,000/- (Rupees twenty thousand only) to the credit of crime No.116 of 2023, without prejudice to his rights and contentions before the trial Court, before the concerned Magistrate, within a period of four weeks from the date on



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[c] the petitioner shall report before the respondent police as and when required for interrogation.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

24.05.2023

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