

CRL.O.P.No.30170 of 2022WEB COPY **T.V.THAMILSELVI, J.**

The petitioners, who apprehends arrest for the alleged offences under Sections 120B, 406, 420 and 506(ii) of IPC in Cr.No.22 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners induced the defacto complainant that they will give lucrative interest and received a sum of Rs.73,00,000/- from the defacto complainant and thereafter neither returned the principal nor the interest. Hence, the case.

3.The learned counsel appearing for the petitioner submits that he has no way connected with the alleged occurrence and he has been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioners, without prejudice to his rights, is ready to deposit some amount to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



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4. The learned counsel appearing for the intervenor would submit that the defacto complainant believing the sugar coated words of the petitioners has invested Rs.73,00,000/- and the petitioners have cheated him by not returning the amount. Hence he vehemently opposed for grant of anticipatory bail to the petitioners

5.The learned Government Advocate (Crl.Side) submits that the petitioners promised that they will give high rate of return for the investment and received a sum of Rs.73,00,000/- from him and thereafter failed to return the amount. Hence, he opposed for granting anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and that the petitioners on his own volition without prejudice to his rights, is ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) to the credit of Crime No.22 of 2022, within a period of fifteen (15) days and on such deposit, the



petitioners are ordered to be released on bail in the event of arrest or on

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his appearance, before the **learned Judicial Magistrate No.7, Coimbatore** on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each with two sureties (**out of which one should be a blood related surety**) 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 anticipatory bail shall stand automatically cancelled and on further condition that:

(a)the petitioners are directed to deposit a sum of **Rs.8,00,000/- (Rupees Eight Lakhs only)** to the credit of Crime No.22 of 2022 before the concerned Magistrate within a period of three weeks and the defacto complainant is permitted to withdraw the said deposit amount of **Rs.8,00,000/-** on proper identification and acknowledgment;

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners are directed to appear before the respondent police every Wednesday at 10.30 a.m for a period



of four weeks and thereafter as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Post the matter on 22.02.2023 under the caption “ Reporting Compliance”

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