



Crl.O.P.No.582 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/first accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 120-B & 420 of IPC in Crime No.787 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and her daughter were inducted as tenants with respect to ground floor and first floor bearing Door No. 23, Site No. 104, 3rd Cross Street, Sengaaliyappa Nagar, Peelamedu, Coimbatore, from September 2021. There had been disputes between the petitioner and the landlord. A suit in O.S.No. 101 of 2021 had been filed by the petitioner which is pending before the IV Additional District Munsif Court, Coimbatore.

3. The allegation of the defacto complainant is that the petitioner herein had sublet the property to an unauthorised person and had received an advance of Rs.10/- lakhs. It is further contended by the learned Government Advocate (Crl. Side) that the rental for arrears of Rs.6/- lakhs.

4. It is only appropriate that the petitioner deposits an amount of Rs.6/- lakhs into Court to the Crime No. 787 of 2023 and on such deposit, the learned Judicial Magistrate No.II, Coimbatore may transfer a



Crl.O.P.No.582 of 2024

WEB COPY

sum of Rs.3/- lakhs to fixed deposit, earning interest and the balance sum of Rs.3/- lakhs may be handed over to the defacto complainant, who may receive it without prejudice to her rights to claim any further arrears and without prejudice to the rights of the petitioner to seek adjustment of that amount if there are no arrears. Final order shall be passed on conclusion of trial on the amount retained in fixed deposit.

5. In view of these particular facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate II, Coimbatore, on condition that the petitioner shall execute a 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 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.



Crl.O.P.No.582 of 2024

WEB COPY

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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]**.

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

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Crl.O.P.No.582 of 2024

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Crl.O.P.No.582 of 2024

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