



Crl.O.P.No.586 of 2024

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Crl.O.P.No.584 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/second accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 120B, 419, 466, 467, 468, 471, 420 and 406 of IPC in Crime No.06 of 2022, seeks anticipatory bail.

2. It is stated that the defacto complainant and the first accused are spouses. It is stated that the defacto complainant and the first accused had purchased a property and later, the defacto complainant had refused to mortgage the said property to obtain loan.

3. It is the allegation that the first accused had produced another lady, who impersonated as the defacto complainant and on the basis of such impersonation created a mortgage deed and obtained a loan of Rs.1 Crore and 11 lakhs. The accused Nos. 1 and 3 had been arrested.

4. The learned Government Advocate (Crl. Side) stated that during the course of their enquiry, they found that the photograph of the impersonation in the mortgage deed, which was registered, differed from the actual photograph of this petitioner/A-2 and therefore, there is a probability that the second accused had not impersonated as the defacto complainant.



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5. In view of that particular facts, since further enquiry will have to be done, 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 Court No.III, Tiruppur, 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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



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[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.

29.01.2024

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