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Crl.O.P.No.2852 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/second accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 & 420 of IPC in Crime No.540 of 2023, seeks anticipatory bail.

2. It is the case of the prosecution that for educational expenses of the daughter of the defacto complainant, she had approached a broker who had introduced her to the petitioner herein. On 24.11.2022, the defacto complainant had borrowed a sum of Rs.50,000/-. It is alleged that on 26.11.2022, the broker and the petitioner came to the house of the defacto complainant seeking security for the said amount of Rs.50,000/- and had obtained original documents relating to title deeds of the property. It had also been stated that the defacto complainant and his wife had affixed their thumb impressions in blank green stamp papers.

3. It is stated that the defacto complainant had repaid the said amount of Rs.50,000/- but the documents which had been produced had not been returned back to the defacto complainant. Under those circumstances, a



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complaint was lodged and FIR had been registered.

4. It is contended by the learned counsel for the petitioner that the amount borrowed was a sum of Rs.15,00,000/-. It is stated that O.S.No. 294 of 2023 has also been filed before the Sub Court, Pollachi, seeking recovery of the amount. It is stated that xerox copies of the documents have been filed in that suit. An affidavit has been now filed by this petitioner wherein an undertaking has been given that three documents which had been collected from the defacto complainant would be deposited before the Magistrate Court.

5. Taking all those factors into consideration, 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-I, Udumalpet**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each



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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 is directed to deposit a sum of Rs.50,000/- to the credit of the Crime No. 540 of 2023 and on such deposit, the learned Judicial Magistrate No.I, Udumalpet, may retain a sum of Rs.25,000/- in fixed deposit and the balance sum of Rs.25,000/- may be handed over to the defacto complainant. It is made clear that by those deposit, none of the accused admit to their allegations raised against them. It is also made clear that the defacto complainant may receive the said amount of Rs.25,000/- without prejudice to the rights of the defacto complainant, to claim further compensation for damages and in other amounts in appropriate manner or on conclusion of trial.

[c] The alleged sum of Rs.25,000/- which is retained in fixed deposit may be handed over to the petitioner/A-2 if the petitioner is acquitted of charges and if the petitioner is convicted, that amount may also handed over to the defacto complainant.

[d] The petitioner shall report before the respondent police



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daily at 10.30 a.m., until further orders.

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

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

[g] 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].

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

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