



Crl.O.P.No.2632 of 2024

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420 of IPC in Crime No.304 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant had already borrowed loan from HDFC Bank, Coimbatore. While so, the petitioner informed the de-facto complainant that he can make arrangements to settle the loan as one time settlement and to obtain loan from private banks for lower rate of interest. On the desire words of the petitioner, the de-facto complainant had paid a sum of Rs.6,00,000/- by way of DD No.375413, dated 14-11-2022 drawn on South Indian Bank, Kopanur branch and a sum of Rs. 13,00,000/- by cash and totally a sum of Rs.19,00,000/- had been paid to the petitioner. On suspicion, the de-facto complainant requested the petitioner to return back the money. Till date, he has not repaid the said amount and thereby cheated the de-facto complainant. While so, it was came to the knowledge of the de-facto complainant that the petitioner had also



Crl.O.P.No.2632 of 2024

WEB COPY

cheated the friends of the de-facto complainant, namely one Senthilkumar a sum of Rs.7,00,000/-. Hence the complaint.

3. The learned Government Advocate (Crl.side) submitted that, on promise to make arrangements for one time settlement in respect of the loan already borrowed by the de-facto complainant from HDFC Bank, Coimbatore, the petitioner/accused has received a sum of Rs.19,00,000/- and neither made arrangements nor returned the money. When the matter is under investigation, another complaint is also been given by one Senthil Kumar for cheating to the tune of Rs.7,00,000/-. The matter is under investigation.

4. By an order dated 12.09.2023, the said petition was dismissed by this Court and hence, this is the second anticipatory bail petition.

5. The learned counsel for the petitioner submitted that before the order dated 12.09.2023, they have remitted a sum of Rs.6,00,000/- [Rupees Six Lakhs only] and after the order, they have also remitted the amount of Rs.2,00,000/- [Rupees two lakhs only] by way of RTGS to one Mr.Mahalingam on 13.09.2023 and under the instruction of Mr.Mahalingam,



Crl.O.P.No.2632 of 2024

they have also done RTGS to Mr.Senthilkumar to an extent of Rs.2,00,000/- [Rupees Two Lakhs only] and if sufficient time is granted, he would settle the *defacto* complainant amicably.

6. Taking into consideration that the petitioner has paid a sum of Rs.4,00,000/- after the earlier order and willing to settle the amount, this Court is inclined to grant anticipatory bail to the petitioner. With regard to the claim under Section 138 Cr.P.C, it is for the parties to settle the matter in C.C.No.260 of 2023 on the file of Judicial Magistrate Court No.2, Pollachi before the Mediation Centre, Coimbatore.

7. Accordingly, **petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One lakh and fifty thousand only) on or before 06.03.2024 and another sum of Rs.1,50,000/- on or before 27.03.2024 to the credit of Crime No.304 of 2023, before the concerned Magistrate failing which, the anticipatory bail shall stand dismissed**, 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 **learned Judicial Magistrate No.3, Coimbatore**, on



Crl.O.P.No.2632 of 2024

condition that the petitioner shall execute a separate 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 is directed to deposit a sum of Rs.1,50,000/- (Rupees One lakh and fifty thousand only) on or before 06.03.2024 and another sum of Rs.1,50,000/- on or before 27.03.2024 to the credit of Crime No.304 of 2023, before the concerned Magistrate failing which, the anticipatory bail shall stand dismissed;**

[c] **the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of four(4) weeks;**

[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.



Crl.O.P.No.2632 of 2024

WEB COPY

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

21.02.2024

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Crl.O.P.No.2632 of 2024

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Crl.O.P.No.2632 of 2024

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