



Crl.O.P.No.3382 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 419 and 420 IPC r/w 34 of IPC and Section 66(D) of Information Technology Act, 2000, in Crime No.33 of 2024, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, he needs loads of coconut copara, for that he searched on google and found suppliers in Pollachi, Coimbatore and Tiruppur Regions. The further allegation is that the petitioner is one of the suppliers. The defacto complainant paid a sum of Rs.38 lakhs to the petitioner and also paid the amount to the suppliers through his account to the tune of Rs.1,33,66,352/- on various dates. However, neither the supply was done nor the money was repaid by the petitioner. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has committed any offence as alleged by the prosecution. He further submits that he has cheated the defacto



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complainant by not sending the coconut copara after receiving the amount from the defacto complainant. He further submit that one Lakshmana Prabhu, who is the agent of the defacto complainant was doing coconut trading business. He approached him and paid the amount for coconut copara, but the petitioner had never had direct contact with the defacto complainant and suppressingly he has been falsely implicated in this case as if he has cheated the defacto complainant. He further submits that no complaint has lodged by the defacto complainant against the said Lakshmana Prabhu and hence he prays to grant anticipatory bail to the petitioner.

4. Learned counsel for the Intervener raised objection stating that the amount sent by him through RTGS of about 1,33,00,000/- , but the coconut copara was not sent by the petitioner who are dealing with the said business, He further submits that the name of the petitioner is mentioned in the FIR. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner has cheated the defacto complainant



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to the tune of Rs.1,33,00,000/-. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

6. On seeing the FIR, there was the joint allegation of cheating and the amount sent to the petitioner through RTGS is not properly stated in the said FIR. However it reveals some business transaction regarding the purchase of coconut copara.

7. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner on his own volition, is ready to deposit the sum of Rs.25,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Chief Judicial Magistrate, Pudukcherry* on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, for a



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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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Cr.No.33 of 2024 before the learned Chief Judicial Magistrate, Puducherry, within a period of two weeks from the date of receipt of a copy of this order.

(b) the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during



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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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

8. Suo moto implead the Lakshmana Prabhu as one of the respondents. The respondent police is directed to conduct investigation by calling upon him for enquiry.

17.04.2024

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