



Crl.O.P.No.4350 of 2024

Crl.O.P.No.4350 of 2024

WEB COPY

**C.V.KARTHIKEYAN, J.**

The Petitioner/A1 in Crime No.30 of 2023 registered by the respondent police for the offences under Sections 120B, 406 and 420 IPC, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant, who is doing export business, had stated that there has been breach of contract when he had sold the banians and there was a loss caused by the Petitioner. It had been stated that the entire issue occurred on 01.12.2021. It is also stated that the Accused A3 had been arrested and had been granted bail.

3. On the earlier occasion, this Court had directed the respondent to issue notice under Section 41A of Code of Criminal Procedure to the Petitioner herein but it is stated that the Petitioner has been hospitalised suffering from Cancer. Let the investigation proceed in manner known to law.



Crl.O.P.No.4350 of 2024

4. The learned counsel for the Petitioner stated that a notice under Section 41A of Code of Criminal Procedure had been received but since the Petitioner was hospitalised, he could not appear before the respondent.

5. Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions. 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 No.3, Tirupur**, 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 conditions 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.4350 of 2024

**[b] the petitioner shall report before the respondent police as and when required for the interrogation.**

[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.

**14.03.2024**

mkn2



WEB COPY



Crl.O.P.No.4350 of 2024

**C.V.KARTHIKEYAN, J.**

mkn2

**Crl.O.P.No.4350 of 2024**

14.03.2024