



Crl.O.P.No.4964 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 406, 420 and 506(ii) of IPC, in Crime No.35 of 2024, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Venkatesh is that, he engaged in small scale business at SIDCO Coimbatore. While so, the petitioner approached me for funding for his firm “Selvam Enterprises” and sought a sum of Rs.15,00,000/- for which he entered into a Memorandum of Understanding on 22.10.2019 with a condition that the petitioner will pay Rs.75,000/- per month and promised to refund the capital amount of Rs.15,00,000/- as and when demanded. The further allegation is that the petitioner paid for few months and thereby cheated the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case.



Crl.O.P.No.4964 of 2024

He further submits that the matter has been settled between the petitioner and the defacto complainant and the copy of the settlement receipt was also filed.

Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor submits that he also agrees the same.

5. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that a settlement has been arrived at between the parties and the matter has been settled amicably. He further submits that the copy of the settlement receipt was also filed. However, he opposed for the grant of anticipatory bail to the petitioner.

6 .Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the



Crl.O.P.No.4964 of 2024

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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 Judicial Magistrate No.II, Coimbatore*, 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 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 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;

[b] the petitioner shall report before the respondent police as and when required for 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 has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid



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Crl.O.P.No.4964 of 2024

T.V.THAMILSELVI, J.

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down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

04.04.2024

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Crl.O.P.No.4964 of 2024