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CrI.O.P.No.15624 of 2024

C.V.KARTHIKEYAN, J.

The petitioner / A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 419, 468, 471 and 420 of IPC and Section 66D of Information Technology Act in Crime No.34 of 2019, seeks anticipatory bail.

2.It is the case of the prosecution that all the accused joined together, as if they are involved in the financial business and also used the name of Bajaj Finance and called over the defacto complainant that they would arrange a sum of Rs.10,00,000/-. They had received a sum of RS.1,00,000/- as advance for processing the loan and to transfer the funds. It is stated that they had totally collected a total sum of Rs.5,16,100/-.



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3.The earlier petition seeking anticipatory bail was dismissed on 23.11.2023 in CrI.O.P.No.11308 of 2023. A counter affidavit has been filed on behalf of the respondent, wherein it had been stated that there are eight previous cases against the petitioner. But however, even though a specific direction was given to the respondent to take the petitioner into custody by 08.12.2023, till this date, the respondent have not taken the petitioner into custody.

4.Taking into consideration the fact that though the petition for anticipatory bail was dismissed on 23.11.2023 but the respondent have still not taken the petitioner into custody, this Court is inclined to grant anticipatory bail to the petitioner, but however, directing the petitioner to deposit a sum of Rs.1/- Lakhs (Rupees One Lakh only) to the credit of Crime No.34 of 2019. On such deposit, the learned Judicial Magistrate - I, Coimbatore, may transfer the said amounts in a fixed deposit account, in anyone of the Nationalized Banks, and pass final orders on conclusion of trial. If the petitioner is acquitted, the amount with interest may be



handed back to the petitioner and if the petitioner is convicted, the amount with interest may be handed over to the defacto complainant.

5. 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 learned Judicial Magistrate - I, Coimbatore, 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 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 shall report before the respondent police everyday at 10.30 a.m., until further orders.

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



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[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.

22.07.2024

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