



Crl.O.P.No.15063 of 2023

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and Crl.M.P.No.10941 of 2023

C.V.KARTHIKEYAN, J.

The petitioner/A1 seeks anticipatory bail in Crime No.253 of 2023 registered by the respondent Police for the offences punishable under Sections 406 and 420 of IPC.

2. It is stated that the defacto complainant is running a Transport business in the name of Balaji Enterprises and this petitioner is running a petrol bunk called Geetha fuels at Podhanur in Coimbatore. They got acquainted, owing to the defacto complainant using the petrol bunk of the petitioner to fill the diesel in his vehicle.

3. It is also stated that taking advantage of that the Accused had taken away a sum of Rs.36/- lakhs from the defacto complainant.

4. The learned counsel for the petitioner insisted that the entire transaction is civil in nature that the respondent, should not have initially registered the First Information Report. However, it is also stated on the basis of bank statement which had been produced that a sum of Rs.42/- lakhs had



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flowed back to the defacto complainant. This Court, on 11.10.2023 had noticed the bank statement which had been produced by the learned counsel for the petitioner and therefore stated that the respondent may issue notice under Section 41(A) to the petitioner and also to the defacto complainant and examine the bank statement. There has been no effective progress. The onus is now on the respondent to file the charge sheet and proceed in the manner known to law.

5. The learned counsel for the intervenor/defacto complainant stated that the bank statement contains merger of the loan transaction and also the business transaction. The particulars of the entries relating to the loan and the particulars of the entries relating to the business can be explained only during the course of trial.

6. However, taking all the other factors into consideration this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District**



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Munsif cum Judicial Magistrate, Madukkarai, 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, 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 once a week i.e., every Saturday at 10.30 a.m., for a period of two weeks and thereafter, 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.



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[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 petitioners 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.

7. Consequently, connected miscellaneous petition is also allowed.

29.02.2024

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