



Crl.O.P.No.17501 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 offences punishable under Sections 294(b), 406 and 506(2) of IPC, in Crime No.779 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had received a sum of Rs.25,00,000/- from the defacto complainant as advance to give his building to run the business. Thereafter, the petitioner has not given his building for rent and not return the money. Further, the the petitioner along with other accused persons have threatened the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that no such agreement entered between the parties, a false case has been given. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner had



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entered into an agreement with the defacto complainant to run a AC restaurant and received a sum of Rs.25 lakhs. Further, the petitioner has sold the property to third parties. He further submitted that as on date, no amount was recovered and the investigation is almost completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that there was transaction between the parties and the investigation is almost completed and the petitioner is ready and willing to deposit some amount to the credit of crime number to show his bonafide, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.779 of 2024, within a period of four weeks from the date on which the order copy made ready, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **learned Judicial Magistrate No.II, Salem**, on further 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



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petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Cr.No.779 of 2024 before the trial Court, within a period of four weeks from the date on which the order copy made ready.

[b] 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.

[c] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders.

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

[e] the petitioner shall not abscond either during 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 have been imposed and the petitioner released on bail by the learned Magistrate/Trial



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Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Further, the matter is referred to the District Mediation Centre, Salem and appointed as a Mediator M.Gunasekaran, (Retd District Judge) to settle the issues. Both parties are directed to appear before the Mediator on 09.08.2024 to settle the issues.

30.07.2024

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To
M.Gunasekaran
(Retd. District Judge)
Arbitrator HDFC Bank,
46,Cherry Road, Opp. To Mariayamman Kovil,
Hasthampatti, Salem – 636 007.

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