



Crl. O.P. No.18062 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused who apprehend arrest in the hand of the respondent police for the offences punishable under Sections 120-B, 406, 420, 468 and 471 of IPC in connection with the Cr. No. 6 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are husband and wife, that the defacto complainant is running a trust in the name of 'SFORAN TRUST', that the petitioners cheated the defacto complainant under the guise of getting funds from abroad in order to help the poor and needy people, that the petitioners received huge quantum of amount from the defacto complainant as processing charge for obtaining funds from abroad and they created forged documents and by utilizing the same, they cheated the defacto complainant to the tune of Rs.64,64,153/- and used the said amount for their personal gain by purchasing a plot in the name of the 2nd petitioner and hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the respondent police, that the petitioners had availed loan from the defacto



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complainant on mutual understanding and a part of principal amount and interest was repaid and the defacto complainant, by suppressing the said facts, has given this false complaint against the petitioners, that the petitioners had produced promissory note and cheque as security for the amount borrowed by them and in fact, the defacto complainant has also mentioned in the complaint about the cheque and its return, that the defacto complainant, instead of giving complaint under Section 138 of Negotiable Instruments Act, has given this criminal complaint with an intention to harass the petitioner, that they are innocent persons and they are ready to abide by any condition imposed by this Court and hence they prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the petitioners deceived the defacto complainant under the guise of getting funds from abroad to help the poor people and collected more than Rs.60 lakhs as processing charges and cheated the defacto complainant, that they had neither got funds for the defacto complainant from abroad nor returned back the amount and therefore, strongly opposed to grant anticipatory bail to the petitioners. Further he submitted that already anticipatory bail was granted to the



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petitioners in a case in which crime number is not known.

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5. Heard both sides and perused the materials available on record.

6. Considering the arguments putforth on either side, considering the nature of allegations involved in this case, that already the petitioners were granted anticipatory bail in a case in which crime number is not known for the same set of allegations and considering the nature of money transactions between the parties, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are 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 **Judicial Magistrate No.VI, 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on



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every Saturday at 10.00 a.m. until further orders.

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[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners 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 petitioners 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 269 B.N.S.2023.

04.09.2024

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To

- 1.The **Judicial Magistrate No.VI, Coimbatore.**
- 2.The Inspector of Police, District Crime Branch, Coimbatore .
- 3.The Public Prosecutor, High Court, Madras.

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