



Crl.O.P.No.18155 of 2024

Crl.O.P.No.18155 of 2024

WEB COPY

T.V.THAMIILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120B, 406, 426, 458, 471 and 506(2) of IPC in Crime No.3 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant approached the Prema (A2), Subramaniam (A1) and his wife Anbarasi (A3) and discussed about purchasing the property of Subramaniam worth about 1Crore, based on the documents and words of Subramaniam, the defacto complainant agreed to buy the property, hence he sent an advance amount of Rs.1,50,000/- on 12.07.2022 and further the said Subramaniam introduced the finance company namely M/s.Sreeja Associates, in which, one Muthu (A4), Meganathan (A7), Amirtharaj (A5), the petitioner herein, Neelamegam (A6) were canvased the defaco complainant to get a loan for a sum of Rs.80,00,000/- agreeing the same, the defacto complainant given unsigned documents and two blank cheques, misusing the said documents and cheque, the said company members presented the cheque for a sum of Rs.21,00,000/-



Crl.O.P.No.18155 of 2024

which, in turn, dishonoured and they issued legal notice contending that the defacto complainant borrowed the said amount and failed to pay the same. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that there are totally 7 accused in this case and that the petitioner is arrayed as A5. He further submitted that the petitioner is working in M/s.Sreeja Associates which is a private finance company and the defacto complainant approached A1 to A3 about purchasing the property of Subramaniam worth about 1Crore and agreed to buy the property, hence he sent an advance amount of Rs.1,50,000/-. The accused canvased the defaco complainant to get a loan for a sum of Rs.80,00,000/-



Crl.O.P.No.18155 of 2024

agreeing the same, the defacto complainant given unsigned documents and two blank cheques, misusing the said documents and cheque, the said company members presented the cheque for a sum of Rs.21,00,000/- which, in turn, dishonoured and they issued legal notice contending that the defacto complainant borrowed the said amount and failed to pay the same. He also submitted that A6 in this case has been already arrested and granted bail by this Court and already a sum of Rs.32 lakhs was paid by the petitioner. However, he raised objection for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

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

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



Crl.O.P.No.18155 of 2024

learned Judicial Magistrate-II, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, **[out of which, one surety must be a blood related one]** 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 and on further condition that:

[a] the petitioner shall file an undertaking affidavit before the Trial Court, that he would not give any threatening messages to the defacto complainant and also not to encash the cheque belongs to the defacto complainant;

[b] 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;

[c] the petitioner shall report before the respondent police on every day at 10.30 a.m., for a period of four months and thereafter, as and when required for interrogation;

[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;



CrI.O.P.No.18155 of 2024

WEB COPY

[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 has been imposed and the petitioner is released on anticipatory 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]***; and;

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

31.07.2024

ssi



WEB COPY



Crl.O.P.No.18155 of 2024

T.V.THAMIHSELVI, J.,

SSI

Crl.O.P.No.18155 of 2024

31.07.2024