



Crl. O.P. No.19087 of 2024

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P.DHANABAL.J.,

The petitioner / A1 apprehends arrest for the alleged offences under Sections 406, 420 and 120-B of IPC in Cr. No.36 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that A1 and A2 induced the defacto complainant to obtain loan for huge sum at low interest using property document and thereafter, to split the loan amount to their respective needs for interest and upon believing the words of the accused persons, the defacto complainant signed in blank stamp papers, cheques and pronotes and mortgaged his property with Canara Bank, Goundampalayam by including the defacto complainant as silent sharer and obtained loan for a sum of Rs.1,95,00,000/- on 21.10.2021 and the accused took a sum of Rs.1,01,00,000/- and never repaid the principal and interest and cheated the defacto complainant. Hence the case.

3.The learned counsel for the petitioner would contend that the respondent police have registered a false case as against the petitioner based on the complaint given by the defacto complainant, that infact, the



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petitioner is an innocent and he has not committed any offence and he entered into partnership with the defacto complainant in the year 2020 and they engaged in the business together and at that time, the property of the defacto complainant was mortgaged and obtained loan and there is a dispute between the parties with respect to the payment of monthly interest and there is a money dispute pending between the parties, that the matter is purely civil in nature and the defacto complainant has given criminal colour to the civil dispute and therefore, he prays for the grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner cheated the defacto complainant in the name of partnership business and the amount involved in this case is huge and investigation is not yet completed and hence he strongly opposed to grant anticipatory bail to the petitioner.

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

6.Considering the rival submissions putforth on either side and considering the fact that there is a money dispute pending between the



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parties based on the partnership business and also there are money transactions between the parties and considering the nature of allegations made against the petitioner in the FIR and considering the fact that there is no previous case is pending against this petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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 No.VII, Coimbatore** on condition that the petitioners shall each 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 petitioner shall report before the respondent police on daily at 10.00 a.m. until further orders.

[b] the petitioner 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 him from disclosing such facts to the Court or to any police officer;



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

[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 269 B.N.S.2023.

28.08.2024

mjs

P.DHANABAL,J

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To



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1.The Judicial Magistrate No.VII, Coimbatore.

2. The Inspector of Police, Central Crime Branch, Coimbatore City, Coimbatore.

3. The Public Prosecutor, High Court, Madras.

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