



Crl. O.P. No.22777 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offence punishable under Section 420 of IPC in connection with the Cr. No.19 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was in need of financial assistance for the purpose of development of his business, that the 1st petitioner herein introduced other accused and made false representation that he will arrange finance to the tune of Rs42 crores to the defacto complainant, that believing the words of the accused, the defacto complainant has paid a total sum of Rs.1,23,35,000/- under the headings of processing fee and other charges and he also handed over 12 blank cheques, copy of the property documents and stamp papers to the accused. But the accused neither arranged loan nor repaid the amount collected under the guise of arranging loan to the defacto complainant. Hence the case.

3. The learned counsel for the petitioners would contend that the respondent police have registered a false case against these petitioners for the offence under Section 420 of IPC, that there are money transaction



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between the parties and the allegations levelled against these petitioners are false and the petitioners are no way connected with the above said case, that they are innocent persons, that these petitioners are not the named accused and hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that these petitioners along with other accused have assured to get loan to the defacto complainant, thereby they collected money from him and also collected blank cheques, but thereafter they did not arrange any loan and also did not repay the money. Investigation is at initial stage. Hence he objected to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, considering the fact that these petitioners are not the named accused in the FIR, that there are money transactions between the defacto complainant and other accused and that there is no previous case pending against the petitioners and also considering the nature of offences, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



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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 **Judicial Magistrate Court No.II, Tiruppur** 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 petitioners shall report before the respondent police on daily at 10 a.m. until further orders;

[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



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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.

25.09.2024

mjs

To

- 1.The Judicial Magistrate Court No.II, Tiruppur
2. The Public Prosecutor, High Court, Madras.
- 3.The Deputy Superintendent of Police, DCB, Tiruppur.

P.DHANABAL,J
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