



Crl.OP.No.24388 of 2023

Crl.O.P.No.24388 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Cr.No.237 of 2023 registered by the respondent police for the offence punishable under Sections 406 and 420 of IPC.

2. It is the case of the prosecution that the defacto complainant was lured by the petitioner to advance money on the promise that double the amount would be given. In this manner, the defacto complainant originally gave a sum of Rs.1,00,000/- and the petitioner returned back a sum of Rs.1,50,000/-. Thereafter, the defacto complainant gave a sum of Rs.20,00,000/- and the petitioner did not return back any amount. It is stated that subsequently the defacto complainant gave another sum of Rs.15,00,000/-. Again the petitioner did not give any amount. It is under those circumstances, the complaint was lodged.



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3. The learned counsel for the petitioner stated that the petitioner and the defacto complainant had jointly participated in an on-line business and they lost the money and then they had taken a decision to get back the money by entering into further business, particularly in stocks and shares. It is stated that there was a risk involved and the entire amount of Rs.20,00,000/- had been lost in the said business. With respect to the additional amount of Rs.15,00,000/-, it is stated that the defacto complainant had mortgaged her house and had given the amount and it is separate transaction.

4. Taking all the factors and taking the initial amount of Rs.20,00,000/- which has been given, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

5. 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*



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Judicial Magistrate-III, Coimbatore on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioner shall deposit a sum of Rs.7,50,000/- to the credit of Cr.No.237 of 2023 on or before 24.01.2024 and on such deposit, the learned Judicial Magistrate-III, Coimbatore may hand over the said amount to the defacto complainant who may receive it without prejudice to her rights to claim further amount if at all she is able to establish the same. It also does not indicate by such deposit that the petitioner admits to any offence as alleged by the defacto complainant.



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[c] the petitioner shall report before the respondent police everyday 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 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.

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