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Crl.O.P.No.28157 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28157 of 2024

S.Anbuchelvan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
C-5 Kavundampalayam Police Station,
Coimbatore.
(Crime No.343 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.343 of 2024, on the file of the respondent police.

For Petitioner	:	Mr.Naresh Kumar
For Respondent	:	Mr.S.Santhosh Government Advocate (Crl.Side)
For Intervener	:	Mr. N.Vana Raj



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ORDER

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2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. He also submits that the petitioner has no previous case against him. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3.The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the defacto complainant is doing business in Singapore. The defacto complainant and the petitioner known each other



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from the year 2016. While so, the petitioner had borrowed a sum of Rs.30 lakh in the month of September 2022 from the defacto complainant and he promised that the would execute promissory note, cheque and handover his property document as security. Later, he neither executed document nor handover the property document. Due to his business at Singapore, the defacto complainant was unable to meet the petitioner in person and he had called him over phone and several times, he insisted to return the money. At the time, the petitioner promised that he would induct the defacto complainant as partner in his business. Further, the defacto complainant had purchased a property at Sanganoor on 15.03.2023 and on the same day, believing the petitioner, entrusted sale deed to him and went to Paramakudi for his personal purpose. The assured had promised that he would return the sale deed within one month. Whenever the defacto complainant demanded for the sale deed, A-1 evaded the same for the reason known to him. Later it came to the knowledge of the defacto complainant that the petitioner by using the sale deed of the defacto complainant, created forged



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power of attorney and obtained loan from A2 when the defacto complainant approached A-2 to return back his sale deed, at that time, he informed that the petitioner borrowed a sum of Rs.1.30 crore by pledging the said property on the basis of the power of attorney. In order to grab the property of the defacto complainant, both the accused colluded together and cheated the defacto complainant. He further submitted that investigation is pending.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court - I, 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 respondent Police or the Police officer who intends to arrest or to the



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satisfaction of the said Magistrate, on further condition that:

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[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 of BNS.

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A.D.JAGADISH CHANDIRA, J.

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