



Crl.O.P.No.28276 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC in Crime No.251 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner fraudulently created an Airtel payments bank account in the name of the defacto complainant and debited a sum of Rs.50,362/- from his account and cheated the defacto complainant. Hence, this case.

3. Learned counsel appearing for petitioner submitted that petitioner is innocent and have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is the proprietor of Likith Enterprises and the defacto complainant, had approached the petitioner for job in his concern claiming to be a MBA graduate, thereby he was appointed as a distributor in the petitioner's concern. He further submitted that the petitioner found that the defacto complainant being a SSLC dropout, has cheated the petitioner and



obtained job in petitioner's concern, thereby immediately, the defacto complainant was terminated. He further submitted that, at the time of appointment in the company, Airtel payment company account will be opened in the employee's name for crediting salary and other incentives, thereby the incentives of all other employees were added in the defacto complainant's account and subsequently, the same was withdrawn from the account. Therefore, the defacto complainant had lodged this false case with an ulterior motive to harass the petitioner. He further submitted that the petitioner is ready to produce solvent sureties and to abide with any conditions that may be imposed by this Court, therefore, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that the petitioner had fraudulently created a bank account in the name of defacto complainant and withdrawn the defacto complainant's salary amount to the tune of Rs.50,362/-, thereby cheated the defacto complainant. He further submitted that there is no previous case as against the petitioner.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and



perused the materials available on record including the FIR.

WEB COPY

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 -6, Coimbatore** on condition that the petitioner shall execute a separate 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 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.



WEB COPY



[b] the petitioner shall report before the respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter, every Saturday 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 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.

13.11.2024

stn



WEB COPY

Crl.O.P.No.28276 of 20



A.D.JAGADISH CHANDIRA, J.

stn

Crl.O.P.No.28276 of 2024

13.11.2024