



Crl.O.P.No.28453 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468 and 420 of IPC in Crime No.10 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, as per the defacto complainant one Harshavarthan, in the year 2021, the petitioner along with other accused induced the defacto complainant's father and cheated a sum of Rs.85,00,000/-, by giving false assurance of making him as one of the Director of the wholesale vegetable business company in the name and style of M/s. Ahimsa Organic Agritech Producer Company Limited, which belongs to other accused, on the false assurance that the defacto complainant's father would receive a 20% share in the said company. It is also further alleged that the petitioner herein had received a sum of Rs.5,00,000/- as commission for the same. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and no way connected with the alleged offence and he



has been falsely implicated in the case. He also further submitted that the petitioner has not induced the defacto complainant's father or obtained money from him, as well as, he is not a Director of the said company. He would further submit that the petitioner is only a common friend of both of them and the petitioner and the defacto complainant's father are having money dispute and cheque bounce cases are also pending in S.T.C. Nos. 70 and 453 of 2024 against the petitioner. He would further submit that the main accused was arrested and released on bail and the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that there are totally five accused and petitioner, who arrayed as A4, colluded with other accused, induced the defacto complainant's father, by giving false assurance of including him as one of the Director of the company, of the other accused and thereby cheated him a sum of Rs.85,00,000/-. He would further submit that the petitioner had also received a sum of Rs.5,00,000/- as commission for the same from the defacto complainant's father.



5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

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 petitioner 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, Sendhamangalam, Namakkal** 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.

[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 of B.N.S.

19.11.2024

stn



WEB COPY

Crl.O.P.No.28453 of 20



A.D.JAGADISH CHANDIRA, J.

stn

Crl.O.P.No.28453 of 2024

19.11.2024