



Crl.O.P.No.28444 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest in connection with Crime No.465 of 2024, registered under Section 420 of IPC, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution, as per defacto complainant is that he had paid Rs.4,20,000/- for purchase of coconut copra from the petitioner, whereas, the petitioner had not supplied the coconut copra and he had returned only Rs.60,000/- and refused to pay the balance amount of Rs.3,60,000/-. Hence, the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and a case of commercial transaction has been attempted to be projected as a case of cheating. He further submitted that the petitioner had, in fact, supplied coconut copra to the defacto complainant and defacto complainant had returned the coconut



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copra stating that they were affected by fungus and there was a dispute between them whereas, a false complaint has been lodged. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, would submit that petitioner received an amount of Rs.4,20,000/- and he had supplied coconut copra to the tune of Rs.60,000/- and refused to return the balance amount of Rs.3,60,000/-.

5. Heard the learned Counsel for the Petitioner, the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Considering the above 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.



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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 No.1, Thirupathur**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 his 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 one week and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or



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witness either during investigation or trial;

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[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 Section 269 of B.N.S.

14.11.2024

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