



Crl.O.P.No.28946 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 465, 468 and 420 of IPC in Crime No.238 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 18.06.2022 at about 9.30 P.M., the defacto complainant lodged a complaint before the respondent Police and stated that in the year 2019, one Subashini, daughter of Senthilkumar from Coimbatore, who is known through one Ashwin, who is running a job consultancy in Tanjore, contacted the defacto complainant regarding job and stated that she was running Shree Vinaya Business Solution along with the petitioner situated at Coimbatore and invited the defacto complainant and his friend one Mr.Mageswaran for arranging job in Income Tax Department at Delhi and demanded Rs.5 lakhs each. It is further submitted that, believing her words initially, they paid Rs.20,000/- each and after that the defacto complainant paid a sum of Rs.6,95,000/- to Subashini's Bank Account on various dates between 13.12.2019 and 03.02.2020 and further paid Rs.30,000/- to the petitioner as cash in the first



week of January 2020. Hence the case.

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3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and in no way he is connected with the said offences as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is ready and willing to abide by any stringent condition that may be imposed by this Court.

4.The learned Government Advocate (Criminal Side) submitted that the allegations are levelled against the petitioner is that petitioner indulged in forgery and cheating. He further submitted that FIR in Crime No.238 of 2022 is filed against the petitioner and the petitioner is arrayed as A2 in this case. Hence, he prayed for dismissal of anticipatory bail petition.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.50,000/- as non-refundable deposit to the credit of Crime No.238 of 2022. Hence, he prayed for grant of anticipatory bail.

6.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and



perused the materials available on record.

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7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.50,000/- as non refundable deposit to the credit of "**Crime No.238 of 2022**", without prejudice to his rights and contentions before the Trial Court.

8. Merely because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the Trial Court to deal with the case independently.

9. Taking into consideration the facts of the case and the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

10. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.50,000/- (Rupees fifty thousand only)** directly to the credit of "**Crime No.238 of 2022**", without prejudice to his rights and contentions before the Trial Court, on such deposit and production of proof, 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 of receipt of a copy of this order, before the learned Judicial Magistrate-III at 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 satisfaction of the said Magistrate, on further condition that:

[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 for a period of two weeks, thereafter on every Saturday at 10.30 am., 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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