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Crl.O.P.No.30259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30259 of 2024

1.MOHAN

Son of Kuppusamy, Door.No. 8-272, Swagat Dev
Apartment, Maniyakarampalayam, Ganapathy,
Coimbatore.

2.Ambika

Petitioner(s)

Vs

The State Rep By
The Inspector Of Police, Saravanapatty Police Station,
Coimbatore City. Cr.No.490 Of 2024.

...Respondent

ForAppellant : Gavaskar L

For Intervenor : Kingsly Solomon

For Respondent: Mr.S.Santhosh, Government
Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.490 of 2024 registered for the offences punishable under Sections 294(b), 406, 420 & 506(ii) of IPC, the present petition has been filed by the petitioners seeking anticipatory bail.



2. Pleading innocence on the part of the petitioners, false implication

in the case, learned counsel for the petitioners seek indulgence of this Court.

He would submit that it is a case of a financial dispute, which has been falsely projected as a case of cheating. He also submitted that the petitioners have borrowed money from the defacto complainant and in respect of which, the petitioners have executed bond and also issued post dated cheques, whereas, a false complaint has been given against them, as if they had cheated the defacto complainant.

3.The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners induced the defacto complainant, by promising to include them in a business that would yield good profits and received Rs.6 Lakhs and cheated the defacto complainant.

4.Mr.Kingsly Solomon, N.vijayamalathi, learned counsel for the Intervenor would submit that the petitioners have cheated the defacto complainant by promising to include them in a business that would yield



good profits and received Rs.6 Lakhs. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. In reply, the learned counsel for the petitioners submitted that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.1 Lakh each, to the credit of Cr.No.490 of 2024 and they have no objection in the amount being disbursed to the defacto complainant and that they are ready to abide by any stringent conditions that may be imposed by this court.

6. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioner are directed to deposit a sum of **Rs.1 Lakh/- (Rupees One Lakh only) each**, to the credit of the **Cr.No.490 of 2024** within a period of **four (4) weeks** from the date of receipt of a copy of this order, without prejudice to the right of defence before the Trial Court. On such deposit being made, the defacto complainant is at liberty to withdraw the amount.



7. Further, having heard the learned counsel for the petitioners 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 petitioners with certain conditions and accordingly, they are 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 learned **Judicial Magistrate No.II, Coimbatore**, on condition that the petitioners shall execute 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further



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orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

12.12.2024

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To

1.Judicial Magistrate No.II, Coimbatore

2.The Inspector Of Police, Saravanapatty Police Station, Coimbatore City



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A.D.JAGADISH CHANDIRA, J.

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