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CRL O.P. No.31153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.31153 of 2024

Praveen S/o. Thangavel

... Petitioner /Accused - 1
Vs

State rep. by:-

The Inspector of Police,
Vadavalli Police Station,
Coimbatore.
[Cr. No.293 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner/Accused in Crime No.293 of 2024 on the file of the respondent police.

For Petitioner : Mr. Muthupandi.V.

For Respondent : Mr. S. Balaji,
Government Advocate
(Criminal side).

ORDER

The petitioner / Accused-1, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 120-B,



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406, 420 and 506(i) of IPC in connection with the Cr. No.293 of 2024,
seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was running a fitness center in the name of MFP at Mettupalayam Road, Goundampalayam and during the year 2015, the accused A1 was introduced to him. Thereafter, on 20.02.2023, the accused A1 called the defacto complainant frequently and stated that he is doing a business of investment in share marketing and further, in the house of A1, the accused A1 to A6 gave false assurance that if the defacto complainant invest Rs.5 lakhs, he would get Rs.30,000/- as profit. Believing the words of the accused, the defacto complainant invested Rs.6,50,000/- and also gave hand cash on various dates. But the accused failed to return the money with profit as assured. When the defacto complainant demanded money back, the accused abused with filthy language and gave life threat to the defacto complainant. Thereby, the accused persons cheated the defacto complainant to the tune of Rs.11,50,000/-. Hence the case.

3. The learned counsel for the petitioner would contend that the



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respondent police have registered a false case as against this petitioner for the alleged offences under Sections 120-B, 406, 420 and 506(i) of IPC in Cr. No.293 of 2024. As per the prosecution case, the the accused persons cheated the defacto complainant to the tune of Rs.11,50,000/-. The petitioner is an innocent and he is no way connected with the commission of offences. He has also appeared before the respondent police for enquiry. The earlier anticipatory bail application filed by the petitioner was dismissed by this Court and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that based on the complaint given by the defacto complainant, they registered the case in Cr. No.293 of 2024 for the offences under Sections 120-B, 406, 420 and 506(i) of IPC and they conducted investigation. The investigation reveals that the accused persons colluded with each other with an intention to cheat the defacto complainant. Therefore, the petitioner and others have cheated the defacto complainant to the tune of nearly Rs.29 lakhs. Still the



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respondent police are receiving complaints against the petitioner and the investigation is not yet completed and thereby strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that there is a money dispute pending between the parties, already A2 was granted anticipatory bail and other co-accused were released on bail, there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.VI, Coimbatore** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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



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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.2023.

18.12.2024

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To

- 1.The Judicial Magistrate No.VI, Coimbatore
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Vadavalli Police Station, Coimbatore.

P.DHANABAL,J

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