



CRL OP NO. 31259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31259 of 2024

Sabarinath

S/o. Ayyapan Nair, Bakery Junction, Sreesailam,
Kodimatha, Thirunakara, Kottayam, Kerla State

Petitioner(s)

Vs

The State Of Tamilnadu Rep.By, The Inspector
Of Police,

The Inspector of Police, Kunianuthur Police
Station, Coimbatore City. Cr.No.331 of 2024

Respondent(s)

Criminal Original Petition filed u/s. 482 of BNSS Act, 2023 praying to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No. 331 of 2024 on the file of the respondent police.

For Petitioner(s): S Seenuvasan

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



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ORDER

Apprehending arrest in connection with Crime No. 331 of 2024 registered for the offences punishable under Sections 406, 420 and 506(i) of IPC, 1860, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that the sole accused had purchased flowers from the de-facto complainant to the tune of Rs.7,89,205/- and thereafter, the accused had paid Rs.2,00,000/- through G-pay and later, the accused has failed to repay the balance amount of Rs.5,89,205/- and his mobile phone was switched off. Hence the complaint.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner and the defacto complainant doing flower business for several years. He would further submits that the petitioner has repaid Rs.2,00,000/-. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to



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deposit a sum of Rs.2,00,000/- to any welfare scheme of the Government or any other organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused had purchased flowers from the de-facto complainant to the tune of Rs.7,89,205/- and the accused had paid Rs.2,00,000/- through G-pay and later, the accused has failed to repay the balance amount of Rs.5,89,205/-. He further submits that there is no previous case pending against the petitioner.

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.2,00,000/- (Rupees Two Lakh only)** to the credit of the Crime No. 331 of 2024 without prejudice to the right of defence before the Trial Court and making



it clear that it would not amount to admission of guilt.

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5. Further, having heard the learned counsel for the petitioner 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 petitioner with certain conditions and accordingly, he 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 No.VII, Coimbatore, Coimbatore District, 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 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 de-facto complainant is permitted to withdraw the deposited amount by making “Undertaking Affidavit” before the Court below in accordance with law.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

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To

1. The State Of Tamilnadu Rep.By, The Inspector Of
Police, The Inspector of Police,
Kunianuthur Police Station,
Coimbatore City.
Cr.No.331 of 2024

2.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

MSM

Crl.O.P.No. 31259 of 2024

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