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Crl.O.P.No.49 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24-01-2025**

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 49 of 2025

1.S.Sakthivadivel

2.S.Malarvizhi

Petitioner(s)

Vs

The State represented by,

The Inspector of Police,

D-1 Ramnathapuram Police station,

Coimbatore District.

Tamilnadu- 641 009.

Crime No.266 of 2024.

Respondent(s)

For Petitioners:

Mr.T.John Samuel

For Respondent:

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.266 of 2024 registered for the offences punishable under Sections 406 and 420 of IPC, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this court.



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He would submit that a case of financial transaction has been falsely projected as a case of cheating. He would submit that the actual received amount by the petitioners was Rs.1,33,000/-, whereas, an exaggerated complaint has been given. He would submit that the petitioners in order to show their bonafides, ready to deposit a sum of Rs.1,00,000/- to the credit of Crime No.266 of 2024. He would further submit that the petitioners are ready to abide by any stringent conditions 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 anticipatory bail, is that, the petitioners are neighbours to the defacto complainant, they got introduced by A-3 and A-4. He would submit that the defacto complainant is a physically challenged person and the petitioners had induced him, as if they are taking care in their house, has received a sum of Rs.4,17,200/-, out of which, Rs.3,30,000/- were bank transactions and remaining were cash.

4. Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused



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the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Principal District and Sessions Judge, Coimbatore**, on condition that the petitioners shall execute a separate 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police everyday at 06.30 p.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m. until further orders and the petitioners shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of Crime No. 266 of 2024;



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[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 of B.N.S.

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