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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2025

CORAM:

THE HON`BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5585 of 2025

Francis Raj S/o. Raj .... Petitioner / Accused No.3

Vs

State rep. by:-

The Inspector Of Police,
Kattoor Police Station,
Coimbatore City. ... Respondent
[Cr. No.404 of 2024]

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.404 of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Selvakumar

For Respondent : Mr. S. Santhosh
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Sections 406, 420

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and 120-B of IPC in connection with the case in Crime No.404 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was running a medical shop and became acquainted with A1; that A1 represented that they can jointly run a business and induced the defacto complainant to invest a sum of Rs.23 lakhs and further payment of Rs.8,35,000/- and Rs.4 lakhs towards loan; that the 1st accused had neither repaid the loan nor rendered accounts in the hotel business run by A1 to the defacto complainant and thus, committed cheating. It is further alleged that A1 had transferred a sum of Rs.4 lakhs to A3, the petitioner herein, who is the father-in-law of A1.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that it is the case of non-rendering of accounts and non-repayment of loan; that in any case, the petitioner has nothing to do with the transactions between the A1 and the defacto complainant; and hence custodial interrogation of the petitioner

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is not required and therefore prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, submitted that it is the case of dispute between the partners and non-repayment of loan.

5. 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.

6. Considering the fact that the transactions are between the A1 and the defacto complainant, the petitioner/A3 has nothing to do with the defacto complainant; that in any case, considering the nature of allegations, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation and

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therefore, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, 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-II, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 petitioner shall report before the respondent police as**

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and when required for interrogation;

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

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To

1.The Judicial Magistrate-II, Coimbatore.
2. The Public Prosecutor, High Court, Madras.
3.The Inspector Of Police, Kattoor Police Station, Coimbatore City.

SUNDER MOHAN. J.,

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