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Crl.O.P.No.31793 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 31793 of 2024

P.K.Nagaraj

...Petitioner/A2

Vs

The State Rep. by,
The Inspector of police,
Rathinapuri Police Station,
Coimbtore City.
(Crime.No. 330/2024).

....Respondent

For Petitioner : Mr.G.Kannagi

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

ORDER

Apprehending arrest in connection with Crime No.330 of 2024 registered for the offences punishable under Sections 406 and 420 of I.P.C., 1860, the present Criminal Original Petition has been filed seeking anticipatory bail.



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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 would submit that the petitioner is neither a Manager nor an employee in M/s Gokulam Garden but he is employed under Thangaraj/A1, who is the Manager of the said concern, for a monthly salary. He would further submit that the petitioner had collected money from the customers as per directions of A1, who had issued receipts for the same, and that the petitioner had not benefited in any of the transaction other than the monthly salary and that based on the confession statement of A1, the petitioner has been implicated in this case. He would further submit that A1 has been enlarged on bail and the property worth Rs.10 crores belonged to A1 has also been attached by the respondent-Police and is ready to abide by any stringent condition that may be imposed by this Court.

3.Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of anticipatory bail, would submit that the petitioner is the Manager working under one Thangaraj/A1, who is engaged in real estate activities across Coimbatore in the name of 'M/s



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Gokulam Garden' and A1 had induced him to bring customers for purchase of land in his real estate and believing his words, the defacto complainant had collected a sum of Rs.3,71,000/- for the purchase of house sites and subsequently, A1 neither come forward to complete the sale process nor return the amount to the defacto complainant. He would also submit that A1 had cheated several persons and had collected to the tune of Rs.17 crores and as of now, 763 complaints have been received.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal 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.

5. 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 on which the order copy made ready, 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



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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 his Aadhar card or Bank pass Book to ensure their identity;

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

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



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To

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



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A.D.JAGADISH CHANDIRA, J.

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