

Crl.O.P.No.14038 of 2016S.VAIDYANATHAN, J

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 420 IPC in Crime No.14 of 2016 on the file of the respondent-Police, the petitioners have come forward with this petition seeking anticipatory bail.

2. This Court, by order dated 31.08.2016, granted interim anticipatory bail to the petitioners with certain conditions.

3. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent-Police.

4. The case of the prosecution is that the petitioners cheated the second respondent-de-facto complainant and received amount by mortgaging the property which was already mortgaged with the State Bank of India, and hence, a case was registered against the petitioners.

5. It is represented by the learned counsel for the petitioners that the mortgaged amount of Rs.32 lakhs, which is not in dispute, had already been paid to the second respondent-de-facto complainant. Learned counsel further submitted that the said amount had been paid belatedly and the interest amount is due from the accused.

6. It is submitted by the learned Additional Public Prosecutor appearing for the first respondent-Police that pursuant to the interim order of anticipatory bail granted by this Court on 31.08.2016, the petitioners have

already surrendered before the Magistrate concerned, but they have not co-operated with the investigating officer for further investigation.

7. Learned counsel for the petitioners submitted that the petitioners have already surrendered before the Magistrate concerned and complied with the direction of this Court pursuant to the interim anticipatory bail granted by this Court on 31.08.2016, however, some conditions imposed by this Court, are yet to be complied with, as some clarification is required for the same. Learned counsel for the petitioners ought to have sought for clarification regarding the compliance of some of the conditions.

8. It is submitted by the learned counsel for the petitioners/accused that for a paltry sum, huge amount had been demanded and it needs investigation by the Income Tax Department.

9. Learned counsel appearing for the second respondent/de-facto complainant submitted that the second respondent has given full accounts and other details and is willing to face the income tax proceedings, if any initiated. This submission is recorded.

10. However, without going into the technicalities of the above aspect of the matter and as the petitioners/accused have already surrendered before the concerned Magistrate pursuant to the interim anticipatory bail granted by this Court, and as it is an admitted fact that the petitioners have not co-operated with the investigating officer for the investigation, this Court confirms the interim anticipatory bail granted by this Court on 31.08.2016 and directs the petitioners/accused to appear before the investigating officer without any further delay for the purpose of completing the investigation.

Accordingly, the petitioners 1 to 3 shall co-operate with the investigating officer for the purpose of completing the investigation weekly once and also as and when required for investigation. It is needless to point out that if any proceedings are initiated by the Income Tax Department, both the parties shall co-operate for the same for eliciting the truth in the matter. The fourth petitioner shall appear before the investigating officer as and when required for interrogation.

12.04.2017

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