



Crl.O.P.No.17438 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 120B of IPC in Crime No.416 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are brothers. They are running a company in the name and style of M/s.Akshaya Imaging Systems Pvt Ltd. The petitioners approached the defacto complainant to invest in the Company and promised to repay the invested amount with reasonable profits and that they would make the defacto complainant as a Director of the Company. Believing the said promise, the defacto complainant invested a sum of Rs.1,52,00,000/- on various dates. Thereafter, the petitioners neither made the defacto complainant as a Director nor repaid the invested funds. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been



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falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally two accused involved in this case. The petitioners are arrayed as A1 and A2. The petitioners approached the defacto complainant to invest in the Company and promised to repay the invested amount with reasonable profits and that they would make the defacto complainant as a Director of the Company. Believing the said promise, the defacto complainant invested Rs.1,52,00,000/- on various dates. Thereafter, the petitioners neither made the defacto complainant as a Director nor repaid the invested funds. He would further submit that the petitioners filed a petition to quash the FIR in Crl.O.P.No.14676 of 2019 and the same was quashed by this Court by an order dated 17.07.2019. Thereafter, the defacto complainant filed a petition before this Court in Cr.M.P.No.14032 of 2021 in Crl.O.P.No.14676 of 2019 dated 15.07.2022 to re-open the FIR and the same was allowed.



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5. In pursuant to the registration of the FIR, there was a compromise between the petitioner and the defacto complainant. On the said compromise in Crl.O.P.No.14676 of 2019, by an order dated 17.07.2019, earlier FIR has been quashed. However, as per the terms of the compromise, the petitioners failed to act upon and as such the defacto complainant re-opened the FIR.

6. Considering the facts and circumstances of the case, the entire allegations as against the petitioners are civil in nature and as custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Metropolitan Magistrate Court for CCB and CBCID Cases, Egmore, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the



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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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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