



Crl.O.P.No.20321 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 403, 406, 420, 465 and 34 of IPC, in Crime No.431 of 2022, seek anticipatory bail.

2. The case of the prosecution is that A1 received a sum of Rs.1,97,00,000/- from 9 victims, on promising that the said amount will be invested in the share market and assured to pay more interest. Thereafter, A1 neither invested the amount in the share market nor returned the money. The other accused persons are family members of A1. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that there is no iota of evidence to show that A1 transferred the amount which were received from the victims, in favour of the petitioners. However, they are ready



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and willing to deposit their title deeds to show their bonafide, without prejudice to their right of defence. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the Intervener would submit that on receipt of the entire amount from the victims, the same has been transferred to the petitioners' account and they are also liable to be punished for the offences. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that there are totally 8 accused in which the petitioners are arrayed as A2, A5, A6, A7 and A8 and the petitioners are family members of A1. A1 received a sum of Rs.1,97,00,000/- from 9 victims, on promising that the said amount will be invested in the share market and assured to pay more interest. Thereafter, A1 neither invested the amount in the share market nor returned the money. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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6. Even according to the case of the prosecution, A1 received a sum of Rs.1,97,00,000/- from 9 victims, on promising that the said amount will be invested in the share market and assured to pay more interest. However, on receipt of the said amount, A1 failed to invest the said amount in the share market and also failed to share any profit or interest to the victims. Insofar as the petitioners are concerned, they are none other than the family members of A1.

7. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, **the petitioners shall deposit the original title deeds not less than the value of Rs.1 Crore (stands in the name of the petitioners or their relatives or friends) along with proper valuation certificate obtained from the authority concerned, to the credit of Crime No. 431 of 2022, within a period of two weeks from the date of**



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receipt of a copy of this order, without prejudice to their right of defence and on such deposit, 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 made ready, before the learned Judicial Magistrate No.II, Chengelpet, on condition that each of the petitioners 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 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 deposit the original title deeds not less than the value of Rs.1 Crore (stands in the name of the petitioners or their relatives or friends) along with proper valuation certificate obtained from the authority concerned, to the credit of Crime No. 431 of 2022, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their right of defence.



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[c] the first and second petitioners alone shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation. The petitioners 3 to 5 shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

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

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