



CrI.O.P.No.21834 of 2022

A.D.JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Section 409 of IPC in Crime No.9 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant/Bhagyaraj is that he is running business of coppara and coconut shell and he had been supplying coconuts for drying coppara and coconut shell from the year 2018. In the course of business transaction it was found that the accused had cheated and misappropriated coppara and coconut shell to the tune of Rs.2,69,87,535/-. 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. The petitioners had given the land on lease to the defacto complainant for drying the coppara and coconut shell for the business purpose, other than that the petitioners have not indulged in any other offence. He would submit that even the period alleged by the defacto complainant, there was a lock down on account of Covid-19 and no such offence had happened. The case of some other financial transaction has been projected as case of cheating and misappropriation. He



would further submit that the petitioners were originally called for enquiry and they have gone to the respondent police and offered their explanation, subsequently, the case has been registered. He would submit that the petitioners to show their bonafide are prepared to deposit original title deeds/documents of immovable properties worth to a tune of Rs.25lakhs each before the concerned court and appear before the respondent for investigation.

4. The learned Government Advocate (Crl.side) would submit that the petitioners were entrusted for drying the coconut to extract the coppara and coconut shell. In the course of business transaction, the petitioners have misappropriated the goods entrusted to them to the tune of Rs.2,69,87,535/-. He would further submit that the investigation is pending and he opposed for grant of anticipatory bail.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (crl.side) for the respondent and perused the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :



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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 (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Kangeyam, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, 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 shall deposit the original title deeds of immovable property either belonging to them or to their relatives/friends worth Rs.25,00,000/- (Rupees Twenty Five lakhs) each along with solvency certificate to the credit of Cr.No.9/2022 before the Judicial Magistrate, Kangeyam.

[b] 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.

[c] the petitioners shall report before the respondent Police daily at 10.30a.m., for a period of two weeks and thereafter every Monday at 10.30am until further orders.

[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 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]***.

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

With the above directions, this Criminal Original Petition is ordered.

09.09.2022

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