



Crl.OP.No.23594 of 2022

Crl.O.P.No. 23594 of 2022

WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner Company, rep by its proprietor, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC in Crime No.170 of 2022, seeks anticipatory bail.

2. The case of the petitioner is that the defacto complainant one Neelima and her husband Shajesh has approached the petitioner for financial help to develop their business viz. Kasavu at Kerala. On various dates, the said Neelima has obtained several amounts as loan from the petitioner under due deposit of title deeds and execution of other sufficient documents. In these circumstances, the defacto complainant failed to pay neither interest nor the principal. Whereas, after exchange of legal notices, the petitioner has initiated arbitration proceedings against the defacto complainant in ARC No.152 of 2021. The Arbitrator has issued 5 notices to the defacto complainant by RPAD and the defacto complainant also appeared through their counsel. After passing the arbitration award, the defacto complainant did not prefer any appeal. Whereas, the petitioner filed E.P.No.317 of 2022 before the



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Principal District Judge, Trissur, Kerala, to attach and auction sale of the property belonging to the defacto complainant and the same is pending.

The defacto complainant has threatened the petitioner through the respondent police to detain him in prison.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is ready and willing to abide any stringent conditions that may imposed on him. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the defacto complainant and her husband obtained loans on various dates from the petitioner and deposited title deed and other documents. In default of repayment of loan amount, the petitioner initiated arbitration proceedings. The arbitrator sent several notices to the defacto complainant and the defacto complainant and her husband were represented by their counsel. The defacto complainant did not disclose the arbitration award. The petitioner filed an Execution Petition in E.P.No.317 of 2022 before the III Additional District Munsif and Sessions Judge, Trissur, Kerala and it is pending.



5. Considering the above fact and circumstances of the case, custodial interrogation of the petitioner is not required and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the learned XIII Metropolitan Magistrate, Chennai, 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 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter as and when required for interrogation.



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[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 229A IPC.

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