



Crl.O.P.No.2405 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 403, 477A, 506(1), 379 and 420 of IPC, in Crime No.5 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant along with the first accused floated a company. As on date, the 1st accused holds 6,53,250 shares and the defacto complainant holds 69,320 shares. The company was running smoothly from October 2014 to June 2016, during the aforesaid period, the first accused had indulged in under invoice sales and criminally misappropriated a sum of Rs.3,50,000/- cash from the business and he had also swindled an amount to the tune of Rs.7,43,573/- and further cheated the defacto complainant by committing theft of shares and thereby resulting in loss of Rs.21,00,000/-. When the defacto complainant had questioned the first accused, the second accused who is a Korean man and the petitioner herein had intimidated the



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defacto complainant. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner/A3 has not indulged in any criminal activities and a false complaint has been given. The defacto complainant and the 1st accused were doing business together and due to dispute in business a false complaint has been given. Since the petitioner supported the 1st accused the petitioner's name has also been falsely implicated. He would further submit that the first accused has been arrested and granted anticipatory bail by this Court in Crl.O.P.No.28407 of 2022 dated 02.03.2023. He would further submit that the allegations against the petitioner is that he threatened the defacto complainant along with other accused. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner is the main accused and he



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had threatened the defacto complainant with dire consequences. He would further submit that A1 has been arrested and released on anticipatory bail by this Court in Crl.O.P.No.28407 of 2022 dated 02.03.2023. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor would submit that the petitioner indulged in all mal practices along with the main accused. Hence, he would opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions of either side, this Court is inclined to grant anticipatory bail to the petitioner/A3 with certain conditions.

7. 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



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from the date on which the order copy made ready, before **the learned Judicial Magistrate No.I, Kancheepuram**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 everyday at 10.30 a.m., until further orders.**

[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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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