

CrI.O.P.No.4156 of 2023

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Section 364 A, 506(ii) of IPC in Cr.No.Not Known of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant were jointly doing Hair business and the de-facto complainant was running the Proprietary concern in the name of HARIRAM Enterprises. There was a dispute regarding transaction between the petitioners and the de-facto complainant. When the de-facto questioned about the same, the petitioners threatened him with dire consequences and kidnapped the de-facto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. In fact, the de-facto complainant has to pay a sum of Rs.74,00,000/- to the petitioners. Due to which, defacto complainant gave a cheque for Rs.30 Lakhs to settle the part payment, but the cheque was dishonoured. To escape from liability, the de-facto complainant submitted a false



complaint against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned counsel for the Intervenor raised objection, stating that the defacto complainant has settled all the amounts. But, now the petitioners caused interference and took away the articles worth about Rs.17,00,000/-. Hence, he prays to dismiss the petition.

5.The learned Government Advocate (CrI.Side) submitted that the FIR was registered against these petitioners in Crime No.51 of 2023. He further submitted that the petitioners and the defacto complainant were engaged in a business regarding hair. In which, the petitioner had misappropriated a sum of Rs.74,00,000/-. Hence, he opposed for grant of anticipatory bail to the petitioners.

6.Heard learned counsel for the petitioners, learned counsel appearing on behalf of the Intervenor and learned Government Advocate (CrI.Side) appearing for the respondent.



7.Considering the fact that there is a business transaction regarding hair transport and the dispute between the parties is only with regard to the payment of cheque, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate, Thiruporur*, on condition that the petitioners shall execute a 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 Court concerned 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 every Wednesday at 10.30 a.m. for a period of six 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

28.02.2023

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To
The Judicial Magistrate
Thiruporur.



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