



Crl.O.P.No.4879 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 409, 419, 420 of IPC 1860 and 66(D) Information Technology Act, in Crime No.7 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely Elangovan doing online trading with HATFX.COM and due to covid-19 the online trading was stopped. Subsequently, the management have informed that due to shortage of staffs and other reasons they decided to wind up the business and given assurance to defacto complainant that the amount invested by him will be settled. However, the petitioners cheated the defacto complainant to the tune of Rs.36,00,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not named in the



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F.I.R. and prayed for granting anticipatory bail. He would further submit that without prejudice, the petitioners are ready and willing to deposit a sum of Rs.3,00,000/- each to the credit of Crime No.7 of 2022 towards the alleged loss incurred by the defacto complainant. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the defacto complainant namely Elangovan doing online trading with HATFX.COM and due to covid-19 the online trading was stopped. Subsequently, the management have informed that due to shortage of staffs and other reasons they decided to wind up the business and given assurance to defacto complainant that the amount invested by him will be settled. However, the petitioners cheated the defacto complainant to the tune of Rs.36,00,000/-. He further submitted that the investigation is at the crucial stage. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.



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6.Taking into consideration the facts of the case and also taking note of the fact that now the petitioners are ready to deposit the said amount without prejudice, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are directed to deposit a sum of **Rs.3,00,000/- (Rupees Three Lakhs Only) each to the credit of Crime No.7 of 2022** and on such deposit and production of proof, 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, Poonamalle, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two common 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 and the sureties shall affix their photographs and Left Thumb Impression in the surety



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bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent Police on alternative days at 10.30 a.m., for a period of two months and thereafter as and when required.

[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 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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02.03.2023

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