



CrI.OP.No.5517 of 2023

A.D.JAGADISH CHANDIRA, J.

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 406, 420 and 506(ii) IPC in Crime No.229 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sathiyamoorthy, is that the accused had induced the defacto complainant on the promise of inducting him into a partnership business and made him execute a Sale Deed in favour of A1 and later the accused had cheated him. Hence the complaint.

3.1. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the first petitioner is the brother of A1 and the second petitioner is son of A2. There were some financial transactions between A1 and the defacto complainant and the petitioners have been unnecessarily implicated in this case. He would further submit that the



allegations even as per FIR against the petitioners is that when the defacto complainant had come in search of his brother A1, the accused had threatened him, other than that there is no allegation as against the petitioners.

3.2. He would also submit that the second petitioner was a student during the relevant time and he has nothing to do with the transaction. He would further submit that without prejudice, the first petitioner is ready and willing to deposit a sum of Rs.1,50,000/- to the credit of Crime No.229 of 2023. Hence, he prays for grant of anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the first petitioner is the younger brother of the A1 and the petitioners have induced the defacto complainant on the assurance of inducting him in a business and made him execute a Sale Deed in favour of A1 and later cheated him. He would further submit that investigation is still pending and there are materials to show that an amount of Rs.2,58,750/- has been transferred to the account of the petitioner from the account of A1. Hence, he objected to grant anticipatory bail to the petitioners.



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5. Mr.R.Karthik, the learned counsel for the intervenor would submit that the petitioners along with other accused by conspiring and falsely promising to induct the petitioner as a partner in their textile business in the year 2014 cheated him. When the defacto complainant asking for repayment of the cheated amount, all the accused intimidated the defacto complainant with dire consequences. Hence, the complaint was registered.

6. Heard the learned counsel and perused the materials available on record including the documents filed along with the petition.

7. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of three days from the date on which the order copy made ready, before the **Judicial Magistrate, Palladam**, on condition that the petitioners shall execute a bond



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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 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 first petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.229 of 2023, within a period of three weeks from the date on which the order copy made ready, failing which anticipatory bail granted by this Court shall stands automatically cancelled.

[c] the first petitioner shall report before the respondent police every day at 10.30 a.m until further orders and the second petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[e] the petitioners shall not abscond either during investigation or trial.

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[f] 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]**.

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

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