

Crl.O.P.No.7764 of 2023

WEB COPY **A.D.JAGADISH CHANDIRA, J.,**

The petitioners, who apprehend arrest for the alleged offence under Section 406, 420, 506(ii) of IPC, in Cr.No.38 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that one Karthik Kumar under the guise of franchisee of 5K Car Care, business of car washing, had demanded Rs.50 lakhs and believing the same, the defacto complainant had paid a sum of Rs.42,94,731/- on various dates from 02.01.2021 to 23.04.2021, whereas the accused had not given the franchise of the business. Whereas, he had taken the money and cheated him. He had also compelled the defacto complainant to enter into a tri-partite agreement in the owner of the premises, since further materials were not given, the defacto complainant had started the business by employing his own men and the accused have agreed to repay the amount and later refused to return the amount and also threatened the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the



petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners are the workers under the said Karthik Kumar and they have nothing to do with the financial dealings with the defacto complainant. He would submit that the petitioners are ready to abide by any stringent conditions that may be imposed on them. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.side) would submit that one Karthik Kumar had induced the defacto complainant to invest Rs.50 lakhs in the guise of giving franchise business and later the defacto complainant asked them for return of money. The petitioners along with other accused had threatened the defacto complainant.

5. In reply, the learned counsel for the petitioners would submit that other than the allegations of the petitioners having threatened the defacto complainant, there is no allegation against these petitioners as if they cheated the defacto complainant, thereby he would seek for anticipatory bail to the petitioners.



6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the material available on record.

7. Taking into consideration of the above facts and submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **learned District Munsif Cum Judicial Magistrate Court, Madhavaram**, on condition that the petitioners shall execute a separate 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 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.



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[b] the petitioners are directed to appear before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter every Sunday at 10.30 a.m., until further orders.

[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.

05.06.2023

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