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Crl.O.P.Nos.7724 & 7721 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 r/w 34 of the IPC, in Crime No.103 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ Pawel Nirmalan, who is an Advocate is that the accused had approached him during the year 2018 stating that they are from the Forex Money Exchange and had induced the defacto complainant and his friend with the assurance that they will get good returns and their investment are safe and made them to invest in the alleged firm. Thereby, the de-facto complainant and his friend had invested a sum of Rs.1,47,50,000/- in the accused firm, whereas, the accused have cheated him without repaying the principal as well as profits accrued in the business. Hence, the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are arrayed as A2 and A3, who are the parents of A1. He would further submit that the first accused and the defacto complainant are friends and there was an agreement between the first accused and the defacto complainant for running a Restaurant and the A1 had received the total amount of Rs.50,00,000/- by way of Bank transactions and Rs.10,00,000/- by way of cash. However, a false complaint has been given against the petitioners and his son (A1) as if they have induced the defacto complainant and cheated him. He would further submit that due to money dispute between A1 and the defacto complainant, a false complaint has been given as against the petitioners in order to retain money from A1. He further submitted that the petitioners are no way connected with the alleged offence and they have been implicated in this case, since they happens to be the parents of A1. Hence, he prays for grant of the anticipatory bail.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that as per the complaint, A1 and his mother have induced the defacto complainant and his friend to invest money in M/s Shree Agila Forex India Private Limited and believing their words, the defacto complainant and his friend have deposited a sum of Rs.1,47,00,000/-, whereas, the accused had cheated them. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor would submit that the defacto complainant is an Advocate by profession and the accused had persuaded the de-facto complainant to invest in the Forex Trade and made him to invest a sum of Rs.1,47,00,000/- and cheated him. Hence, he would object for grant of anticipatory bail to the petitioners.

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



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7. Taking into consideration the facts and circumstances of the case and the submissions so made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners 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 fifteen days from the date on which the order copy made ready, before the learned CCB, Egmore, Chennai, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) 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;



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[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter on every Saturday at 6.30 p.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]*; and;

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

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