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CrI.O.P.No.9228 of 2023

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and

CrI.M.P.No.6430 of 2023

C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 34 IPC in Crime No. 80 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the Managing Director and the second petitioner is the Director of the company named Pranav Foundation Private Limited. Both the petitioners are husband and wife. They borrowed money from the defacto complainant to a sum of Rs.56,50,000/- (Rupees Fifty Six Lakhs and Fifty Thousand Only) to be invested in their company. It is the grievance of the learned counsel for the defacto complainant who had filed an intervening application that he had borrowed money from others and paid to the petitioners on the strength of their earlier friendship. But however the money had not been repaid. This led the defacto complainant to lodge the complaint. Hence, this case.



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3. Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (Criminal Side).

4. It is to be noted that the matter has been pending before this Court from April 2023. Still the respondent have not taken any steps to secure the petitioners. This Court also cannot keep the matter in entirety. The defacto complainant, for good measure had not got the money he paid to the petitioners. The investigation can never start and it can never proceed and it can never end in the absence of the petitioners. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is also dismissed.

02.11.2023

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