



Crl.OP.No.9422 of 2023

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Crl.O.P.No.9422 of 2023
& Crl.M.P.No.6882 of 2023
K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 & 120(B) of IPC, in Crime No.90 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the first accused started a business viz., Foodscape Food Court at Semmencherry in partnership with the defacto complainant, wherein the petitioner was appointed as a Business Consultant. There arose a business dispute between the first accused and the defacto complainant. Therefore, the first accused relieved from the partnership. He colluded with the petitioner and swindled huge amount from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The learned counsel also submitted that the petitioner was only a business consultant in Foodscape Food Street and the first accused only



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had business transaction with the defacto complainant. He further submitted that the main accused have also been released on bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner accompanied the first accused and swindled huge amount from the defacto complainant. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the defacto complainant appeared and vehemently objected for granting Anticipatory Bail to the petitioner.

6. Taking into consideration of the fact that the main accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail



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in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate – I, Alandhur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial;



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[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

7. Consequently, the connected miscellaneous petition is also closed.

18.05.2023

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