



Crl.O.P.No.9987 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406, 420, 465, 468 and 471 of IPC in Crime No.438 of 2022, seek anticipatory bail.

2.The 2nd petitioner is the son of the 1st petitioner. The 1st petitioner had stated that she is running a NGO and that funds of Rs.2500 Crores would come from abroad through RBI and that she has to deposit a sum of Rs.20,00,000/-. She promised to the defacto complainant that she would return a sum of Rs.2 Crores, if he pays a sum of Rs.20,00,000/-. Believing the words of the 1st petitioner the defacto complainant had transferred a sum of Rs.45,00,000/- to the account of the defacto complainant.

3.The learned counsel for the petitioners stated that the petitioners would pay the amount of Rs.20,00,000/- to the credit of Crime No.438 of 2022 and file an affidavit to that regard.



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4. But the entire *modus operandi* will have to be determined. In this connection, it is not as if that mere repayment of the amount would wipe away the offence made by the petitioners herein.

5. Taking into consideration the fact and circumstances of the case, this Court is not inclined to grant anticipatory bail to the 1st petitioner. Accordingly, this petition stands dismissed insofar as the 1st petitioner is concerned. The 1st petitioner is directed to file a fresh anticipatory bail petition after the date on which the 2nd petitioner deposits a sum of Rs.20,00,000/- to the credit of Crime No.438 of 2022. This Court is inclined to grant anticipatory bail to the 2nd petitioner, who is the son of the 1st petitioner herein with certain conditions.

6. Accordingly, **the 2nd petitioner is directed to deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of Crime No.438 of 2022, within a period of two weeks from the date of receipt of a copy of this order** and on such deposit the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, before

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the learned Judicial Magistrate – I, Poonamallee, on condition that the 2nd petitioner shall execute a separate 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 2nd petitioner 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 2nd petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd petitioner shall not abscond either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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.

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