



Crl.O.P.No. 11113 of 2023

K. KUMARESH BABU, J.

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The petitioners 1 & 2 who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 419, 420 and 34 of IPC in Crime No. 117 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant has availed Mortgage loan in a sum of Rs.58,00,000/- for his son's business establishment at Tata Capital Finance. Then, he approached his friend who is 2nd petitioner herein, who in turn, introduced the 1st petitioner stating that he is working in a finance Company. Believing the words of the first petitioner, to settle the loan, he has given amounts on various dates which comes around Rs.50,45,000/-. Then, the de-facto complainant received possession notice from the finance Company. Hence, the complaint.

3. The learned counsel for the petitioners submitted that this is the second complaint filed by the de-facto complainant. Originally, for the same set of facts, he has filed a complaint before the CB-CID, Puducherry, and that the petitioners had approached this Court and this Court, by order dated 14.03.2023, directed the respondent therein to conduct enquiry within a



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period of two weeks from the date of receipt of a copy of the order and the parties were directed to co-operate for enquiry. Till such time, the respondents were directed not to secure the accused.

4. According to the learned counsel, the present complaint filed by the de-facto complainant before the respondent Police is for the same set of facts. Hence, he would submit that the petitioners are harassed by the respondent Police. Therefore, he prays for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor submitted that the petitioners herein have not co-operated for the enquiry, which was directed to be conducted. Hence, the CB-CID, Puducherry, directed the de-facto complainant to approach the concerned Jurisdictional Police Station. Therefore, the present FIR has been registered by the respondent Police. The learned counsel appearing for the petitioners stated that the petitioners had appeared before the CB-CID for complying with the direction of this Court. He vehemently opposed for grant of anticipatory bail to the petitioners.



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6. Be that as it may. This Court, considering the nature of the offences had earlier directed the CB-CID to conduct and complete the enquiry if *prima facie* case is made out against the petitioners and also directed the CB-CID to register FIR, and if not, close the above enquiry within a period of two weeks. This direction has not been complied with by the respondent Police.

7. Considering the above facts and circumstances, 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 **Judicial Magistrate - III, Puducherry**, on condition that each of the petitioners 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 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.

[b] the petitioners shall report before the respondent Police weekly twice at 10.30 a.m. and 5.30 p.m. until further orders and thereafter as and when required for interrogation.

[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.

18.05.2023

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