



Crl.O.Ps.12543 and 12548 of 2023

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A.D.JAGADISH CHANDIRA, J.

Crl.OP.No.12543 of 2023

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b), 120(b) of I.P.C in Crime No.446 of 2022, seek anticipatory bail.

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 403, 406, 420, 465 r/w 34 of I.P.C in Crime No.431 of 2022, seek anticipatory bail.

2. The case of the prosecution in Crl.OP.No.12543 of 2023 is that the accused persons had induced the defacto complainant to invest money in the share market promising that he would get a huge return. Believing their sugar coated words, the defacto complainant gave a sum



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of Rs.59,00,000/- to the accused in cash and through their bank accounts.

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Whereas, they failed to repay the money as assured, thereby cheated the defacto complainant. On continuous demand, the accused gave documents and a cheque as if one IKOT Maharajan, who is said to be the business partner of the accused, issued the said cheque, but, the said cheque was returned unpaid. Hence, the case.

3. The case of the prosecution in Crl.OP.No.12548 of 2023 is that in the year 2021, the accused persons had induced the defacto complainant to invest the amount in the share market and assured to give the interest at the rate of 10% per month. Believing the false representation, the defacto complainant had invested a sum of Rs.16,50,000/- in the bank account of the first accused. The defacto complainant received the first month interest from the first accused and thereafter she did not receive any amount from the first accused. Hence, the defacto complainant approached the accused and requested to repay the amount. However, the accused did not repay either the principal or interest amount. Hence, the complaint .



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4. The learned counsel for the petitioners would submit that the petitioners are none other than the mother-in-law and father-in-law of the main accused Kamatchi and they have nothing to do with the alleged offence. Believing one IKOT Maharajan, the petitioners' daughter-in-law had collected money from several persons and invested in his company. Later, the said IKOT Maharajan had cheated the petitioners' daughter-in-law and thereby their daughter-in-law was arrested. During the course of investigation, the respondent police have recovered a sum of Rs.1,21,00,000/-, out of the total cheated amount of Rs.2,75,00,000/-. He would further submit that the petitioners have no role in this case. Since they are the in-laws of the accused Kamatchi, they have been implicated as accused, so as to recover money from them. He would further submit that the petitioners are senior citizens and there is absolutely no material to implicate the petitioners in the Crime Numbers. However, he would further submit that the petitioners are ready and willing to abide by any stringent conditions as imposed by this Court. Hence he seeks for anticipatory bail to the petitioners.



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5. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioners are the in-laws of the main accused Kamatchi. He would submit that so far there is no material against them to show that they have acted in collusion with Kamatchi. He would further submit that the petitioners had earlier filed anticipatory bail petition before this Court and also granted anticipatory bail respectively in Crl.OP.Nos.23209 and 20321 of 2022 and the said orders also modified by this Court in Crl.MP.Nos.16130 and 15701 of 2022. He would further submit that in the said order, this Court directed that each of the petitioners should deposit Rs.2,00,000/- on or before 01.11.2022, but the said conditions were not complied with by the petitioners. Hence, he would vehemently oppose to grant 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 of the case and the submissions of the learned Counsel for the parties, 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-II, Chengalpattu** on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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.



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[b] the petitioners shall report before the respondent police everyday at 10:30 a.m for a period of one week 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;

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