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Crl.O.P.No.11428 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 120(b) of IPC and Sections 21(1), 21(2), 21(3), 23 & 25 of Banning of Unregulated Deposit Schemes (BUDS) Act, 2019, in Crime No. 04 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant is that the petitioner along with other accused, who was running a Company in the name of “Nilaa Pay Business Service Pvt. Ltd., has approached the defacto complainant and induced her to invest a sum of Rs.3,50,000/- in their business and cheated her. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that 1st accused in this case has been granted bail by the Judicial Magistrate -I



Crl.O.P.No.11428 of 2023

, Nagapattinam. He would also submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with other accused in the guise of running a online business, has fraudulently cheated the defacto complainant to the tune of Rs.3,50,000/-. He would further submit that co-accused in this was granted bail by the Judicial Magistrate - I, Nagapattinam. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. It is stated that the defacto complainant has appeared before the Judicial Magistrate – I, Nagapattinam, during the hearing of bail



Crl.O.P.No.11428 of 2023

application moved by the 1st accused and stated that the amount is repaid to her and the same has been reflected in the order passed by the learned Judicial Magistrate in Crl.M.P.No.1648 of 2023 dated 12.04.2023 and hence, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail 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, Nagapattinam**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



Crl.O.P.No.11428 of 2023

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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days from the date of receipt of a copy of this order and thereafter, appear before the respondent police as and when required for interrogation.

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

[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.

16.08.2023

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Crl.O.P.No.11428 of 2023

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Crl.O.P.No.11428 of 2023

16.08.2023