



Crl.O.P.No.11804 of 2023

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Crl.O.P.No 11804 of 2023

V.LAKSHMINARAYANAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 & 120(B) of IPC and 3 & 5 of the Tamilnadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997 and 21(1)(2)(3), 23 & 25 of the Banning of Unregulated Deposited Schemes Act, 2019 in Crime No.163 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on 05.03.2022, the first accused persuaded the defacto complainant to invest a sum of Rs.1,76,000/- in the company namely Nilaapay owned by the first accused and promised to pay profit in 36 monthly instalments. Initially, few instalments were paid, however, subsequently, failed to do so. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the complaint and FIR is false and hypothetical as that the petitioners



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are also the affected persons who have invested in the company owned by the first accused, wherein, the first accused did not return the money invested by the petitioners. Moreover, the petitioners are innocent person and they have been falsely implicated in this case. He would further submit that the petitioners are ready to deposit a sum of Rs.30,000/- (Rupees thirty thousand only) each to the credit of Crime No.163 of 2023. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the total cheated amount is to the tune of Rs.1,76,000/-. Hence, opposed for grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.30,000/- (Rupees thirty thousand only) each to the credit of crime



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No.163 of 2023, without prejudice to their rights and contentions before the trial Court, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.1, Nagapattinam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 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 deposit a sum of Rs.30,000/- (Rupees thirty thousand only) each to the credit of crime No.163 of 2023, without prejudice to their rights and contentions before the trial Court, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.



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[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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