



Crl.O.P.No.12824 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC in Crime No.9 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Karpagavalli is that the accused 1 to 5 along with 7 others started the partnership firm along with one Selvalumar, the husband of the defacto complainant in the name and style of Ananda Departmental Store, Tiruppur, in the year 2001 and later said 7 other partners relieved from the partnership. The further allegation is that from the year 2011, the defacto complainant had invested amounts to the tune of Rs.4,46,59,000/- on several occasions in the departmental store and the accused have neither given the profit nor returned the amount. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in



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this case. He would further submit that the defacto complainant is none other than the wife of the elder brother of the accused 1 to 3 namely one Selvakumar. The said Selvakumar was responsible for running the entire business, which was the family business. The said Selvakumar had not run the business properly and thereafter he was asked to get himself relieved from the partnership whereas he has instigated his wife / defacto complainant to give a false complaint against all family members. He would further submit that absolutely no materials have been given by the defacto complainant to show that the amount of Rs.4,46,59,000/- was invested in the partnership firm. The defacto complainant and her husband Selvakumar, in order to short circuit the due process of law and without filing the suit for rendition of amount, has approached the police and now attempting to settle the civil dispute by way of police action. He would further submit that the accused and the defacto complainant are close relatives thereby he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners 1 to 3 are the brothers of the husband of the defacto complainant. The defacto complainant and her husband Selvakumar had invested amounts to the tune of Rs.4,46,59,000/- and the accused were running departmental store in the name of Ananda Departmental Store, Tiruppur, and they have cheated the defacto complainant and her husband. Hence the case has been registered based on the directions under Section 156(3) Cr.P.C. Hence, he object to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and submission made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 **Judicial**



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Magistrate No.2, Tiruppur, on condition that each of the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m for a period of two weeks and thereafter report before the respondent police on every Saturday at 10.30 a.m until further orders.

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



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[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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