



Crl.O.P.No.14479 of 2023

Crl.O.P.No.14479 of 2023

RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 406 & 420 of IPC in Crime No.20 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 19.05.2023, the Defacto Complainant gave a complaint stating that the 2nd Petitioner is his friend and he introduced the 1st Petitioner, who is running an Online Trading Company viz., V Gain Solution. The 1st Petitioner forced the Defacto Complainant to invest in her company and assure to give 7% profit on his invest. Based on that he had invested a sum of Rs.12,00,000/- but the first Petitioner failed to pay the profit amount, after that the 1st Petitioner returned a sum of Rs.2,10,000/- only but she had not returned the balance amount which was invested.

3.The learned Counsel for the Petitioners would submit that the Defacto Complainant and the 1st Petitioner were doing an online trading business, due to loss of their business, the Defacto Complainant lodged a false complaint against the Petitioners. The Petitioners never received any amount from the defacto complainant. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Crl. Side) for the Respondent



Crl.O.P.No.14479 of 2023

would submit that A1 & A2 are Sister and brother, they received a sum of Rs.12,00,000/- from the Defacto Complainant as an investment, out of which Rs.2,10,000/- was already returned to the Defacto Complainant. He vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard the learned counsel on either side and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the Petitioners have come forward to deposit an amount of Rs.3,00,000/- each to the credit of crime number, this Court is inclined to grant bail to the Petitioners with certain conditions.

7.Accordingly, the Petitioners are directed to deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) to the credit of Crime No.20 of 2023, without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof before the trial Court, 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 I, Ponneri**, on condition that the Petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten**



Crl.O.P.No.14479 of 2023

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, everyday at 10.30 a.m., for a period of three weeks 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 abscond, a fresh FIR can be registered under Section 229A IPC.

25.08.2023

sai



WEB COPY



Crl.O.P.No.14479 of 2023

RMT.TEEKAA RAMAN, J.

sai

Crl.O.P.No.14479 of 2023

25.08.2023