



WEB COPY



Crl.O.P.No.15627 of 2023

Crl.O.P.No.15627 of 2023
and
Crl.M.P.No.10645 of 2023
G.CHANDRASEKHARAN. J.

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 34, 406 & 420 IPC, in Crime No.85 of 2022, on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that petitioners are falsely implicated in this case. Prime accused, namely, the first accused was arrested and granted bail. Thus, he seeks anticipatory bail for the petitioners.

3.In response, the learned counsel for intervenor/defacto complainant submitted that petitioners along with other accused have cheated the defacto complainant to the tune of Rs.4 crores in a service rendered to the petitioners by making them available foreign exchange. In fact, first and sixth accused, for the amount to be paid to the defacto complainant, gave a land document claiming that it is worth about



Crl.O.P.No.15627 of 2023

Rs.4crores. But, later, it turned out that the value of the land is only Rs.25,00,000/-. Not only that, when the defacto complainant demanded the money due, accused Kamaldhas and some others came to his office and made criminal intimidation of causing his death. Thus, he strongly opposed the grant of anticipatory bail for the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that defacto complainant financed the accused for their foreign trips. During their foreign trips, accused used to get electronic gadgets and they will give it to the defacto complainant and that would be sold to the public at profit. There is a dispute between the defacto complainant and the accused in connection with the payment. On that basis, this complaint was given.

5.Reading of the FIR allegations show that defacto complainant is running M/s.Manasarovar Forex Pvt Ltd. It is registered under RBI for dealing with foreign money exchange. In 2019, Karuppasamy introduced him one Gopi. Gopi informed him that he is



Crl.O.P.No.15627 of 2023

WEB COPY

doing a business in the name and style of M/s.Photec. He requested the defacto complainant for foreign exchange, therefore, in August 2019, Gopi and his employees, relatives and friends availed the services of defacto complainant for getting foreign exchange. Defacto complainant helped them in getting foreign exchange after getting their passport, tickets and Visa, as security. To start with , Gopi was paying money, but, slowly he stopped paying the money and the due got accumulated to Rs.4 crores. After Covid-19 period, when defacto complainant insisted the payment of the amount, Gopi gave a cheque for Rs.4 crores. He also gave a land document at Tiruvallur. Thereafter, he became incommunicado. Later, he came to know that the flight tickets given to him are fabricated and they misused the foreign exchange. When the defacto complainant presented the cheque on 12.08.2021, it was returned for the reason that “signature differs”. On knowing the presentation of the cheque, Kamaldhas and some others threatened him to do away him, if he proceeds with the cheque dishonour case. In the said circumstances, this complaint was given.

6.From the narration of the FIR allegations, it is seen that



Crl.O.P.No.15627 of 2023

defacto complainant claims that accused would handover the passport, Visa and tickets as security for foreign exchange money. It is not known as to how they would handover passport, Visa and tickets and get foreign exchange from the defacto complainant and use it in the foreign country. It appears that defacto complainant is not doing a legal business. He along with the other accused had indulged in some illegal business of buying articles from foreign countries and then selling it in India. Except the allegations that third petitioner Kamaldhas made criminal intimidation, there is no other material produced to implicate him in this case. One more incriminating substance alleged against Kamaldhas is that he along with others gave loan document as security. It is seen from the document produced by the intervenor that it does not have any relevance to Kamaldhas.

7.In the said circumstances, this Court is of the view that custodial interrogation of the petitioners is not necessary and this Court is inclined to grant anticipatory bail to the petitioners. Therefore,



Crl.O.P.No.15627 of 2023

WEB COPY

petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned CCB and CBCID Court, Egmore**, on condition that petitioners shall execute 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 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. until further orders.

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



Crl.O.P.No.15627 of 2023

[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 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.

8.Accordingly, this Criminal Original Petition is ordered. Consequently, connected miscellaneous petition is closed.

01.08.2023

sli



WEB COPY



Crl.O.P.No.15627 of 2023

G.CHANDRASEKHARAN. J.

sli

Crl.O.P.No.15627 of 2023
and
Crl.M.P.No.10645 of 2023

01.08.2023