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Crl.O.P.No.21425 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.331 of 2023, seeks anticipatory bail.

2. There are two petitioners.

3. The learned counsel for the petitioners stated that the 1st petitioner / A2 had been arrested on 08.09.2023 and had been released on bail, on the same day and he is not pressing this petition insofar as the 1st petitioner / A2 is concerned.

4. It is contended that there has been money transaction between the petitioners and the defacto complainant. It is the case of the defacto complainant that the money transaction is for an amount of



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Rs.15,00,000/-, whereas the learned counsel for the petitioners states that it is only for a sum of Rs.4,40,000/-.

5.The facts being in dispute, the Court can never adjudicate on the same and it is only for the prosecution to establish it during the course of trial.

6.The learned counsel for the petitioners states that the 2nd petitioner / A1 would deposit a sum of Rs.1,00,000/- to the credit of Crime No.331 of 2023 before the XV Metropolitan Magistrate, George Town.

7..Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the 2nd petitioner / A1, directing him to deposit a sum of Rs.1,00,000/- to the credit of Crime No.331 of 2023 before the XV Metropolitan Magistrate, George Town. On receipt of the amount, the learned XV Metropolitan Magistrate, George Town, may transfer the amount to any fixed deposit account, which earns interest



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and pass final orders on conclusion of trial and **this petition stands dismissed insofar as the 1st petitioner / A2 is concerned.**

8. Accordingly, the 2nd petitioner / A1 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 XV Metropolitan Magistrate, George Town, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 2nd 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.



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[b] the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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.

27.11.2023

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