



Crl.O.P.Nos.22270, 22894 and 21696 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A1, A2 and A3 seek anticipatory bail in Crime No.27 of 2023 registered by the respondent Police for the offences under Sections 420 IPC read with 66D of Information Technology (Amendment) Act 2008 INF C.

2. The case of the prosecution is that the defacto complainant lodged a complaint in NCRP (Online complaint Acknowledgement No.22906230035607) on 28.06.2023 against the Petitioners/A1, A2 and A3. Based on the online complaint, the defacto complainant gave his written complaint on 13.07.2020 before the respondent police against the Petitioners/A1, A2 and A3, alleging that the Accused A2 and the defacto complainant had a dispute in the money transaction for Rs.7,33,000/- regarding the fees payment of the defacto complainant's brother's son who is studying M.B.B.S in abroad. The defacto complainant had transferred Rs.7,33,000/- to the Accused A2's account on various dates through defacto complainant's brother's son account, but that amount was not paid for his M.B.B.S studies.



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3. The learned counsel for the Petitioners however stated that the 1st Accused is studying 3rd year MBBS and the 2nd Accused is running a consultancy for more than 10 years paying educational fees to the students who were doing their education in other countries. There was a dispute in this particular regard with the defacto complainant. When the matter came up for consideration, on 21.11.2023, the learned counsel had stated that they are prepared to hand over a sum of Rs.7,30,000/- to the defacto complainant, this Court had observed as follows :

“2. Let me not enter into the details of the facts in the initial stage. But, I am informed that the respondent had issued a communication to the RBL Bank with address at Ground Floor, M-6 Hauz Khas, New Delhi, directing, the statement of accounts of the petitioner in account No.409001116978 in the name of Retroka Education Pvt Ltd to be furnished. A direction is issued to the respondent to address a further communication to the bank to defreeze the said account and release a sum of Rs.7,30,000/- and



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issue a debit note for the said amount to the credit of the crime No.27 of 2023, pending on the file of the learned Judicial Magistrate No.3, Salem. The said debit note may be deposited to the credit of the aforementioned crime number by the respondent.”

4. I am now informed that the Respondent had also issued an official letter to the Branch Manager, RBL Bank, New Delhi on 28.11.2023 in this regard. The entire process is under way.

5. In view of that particular fact, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions that **the Petitioners must also file an affidavit that they have no objection for transfer a sum of Rs.7,33,000/- to the account of the defacto complainant. In the affidavit, they must also undertake that their account can be defrozen for the purpose of debiting the amount of Rs.7,33,000/- from his account and transferring it to the account of the defacto complainant.** Accordingly, the petitioners are ordered to be released on bail in the event of



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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 Court No.3, Salem, Salem District**, on condition that the petitioners shall execute a separate 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 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 once in a two weeks i.e., Saturday at 10.30 a.m., until further orders.

[c] the Petitioners must also file an affidavit that they have no objection for transfer a sum of Rs.7,33,000/- to the account of the defacto complainant. In the affidavit, they must also undertake that their account can be defrozen for the purpose of debiting the amount of Rs.7,33,000/- from his



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account and transferring it to the account of the defacto complainant

[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 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]**.

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

07.12.2023

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