



Crl.O.P.No.25886 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest for the alleged offences punishable under Sections 406, 120B IPC, in Crime No.297 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The defacto complainant is the husband of the first petitioner. The second and third petitioners are the parents of the first petitioner. The first petitioner and her husband/defacto complainant had originally started a partnership firm in the name of Deekshath beauty and Fashion. They actually started as a franchise of M/s.Advance Beauty and Fashion. After differences arose between the first petitioner and the defacto complainant, it was decided to close down the partnership firm. But the partnership firm is not dissolved as on date. However, the agreement came to be terminated and the security deposit which had to be paid was sought to be returned from M/s.Advance Beauty and Fashion. When they returned, they returned it by way of cheque for Rs.40/- lakhs in 4 separate cheques. One of the cheques for Rs.6/-lakhs has been honoured and the other three cheques when presented for payment had been returned by the bank. This necessitated



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initiation of proceedings under section 138 NI Act. The second petitioner herein had been appointed as a power of attorney agent by the defacto complainant to prosecute the cases before the Judicial Magistrate Court. The total amount of the cheques was Rs.34/- Lakhs and the second petitioner had entered into a settlement and had decided that Rs.24/-Lakhs should be paid in full settlement. The amount of Rs.24/- Lakhs was also paid and that was credited to the bank account.

3.It is the grievance of the defacto complainant that the second and third petitioners were not directly or indirectly involved in the partnership firm and therefore, they have committed the offences made out and this necessitated lodging of the complaint.

4.The learned Government Advocate (Crl.Side) filed a counter, wherein the facts had been stated and it had also been stated that notices under section 41 A Cr.P.C. had been issued to A1, A2 & A3 for appearance. But only A1 and A2 appeared and had given written statements. A1 had stated that she had pledged her jewels and invested in the beauty salon. She further justified the withdrawal of the amount of Rs.24/-lakhs which had



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been paid by the accused under the N.I.Act case.

5.It is seen that it is a dispute of about within one family unit. The learned counsel for the petitioners stated that Rs.10/-lakhs received by the third petitioner/mother-in-law of the defacto complainant had been reinvested in the name of their two grandsons. There are also various petitions pending relating to the matrimonial dispute between the two parties. The issue of final settlement relating to alimony and maintenance would have to be decided by that competent Court. To ensure bonafide, a direction is given that a sum of Rs.5/- lakhs should be jointly deposited by the petitioners herein to the credit of the crime No.297 of 2023, before the XIII Metropolitan Magistrate, Egmore, Chennai. On such deposit, XIII Metropolitan Magistrate, Egmore, Chennai, may transfer the said amount in an interest bearing fixed deposit scheme with auto renewal facility, in a nationalised bank and final orders can be passed at the time of conclusion of trial or in accordance with the directions by the Court where the matrimonial disputes are now pending.



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6.Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners. 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 **XIII Metropolitan Magistrate Court, Egmore, Chennai**, 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 first and second petitioners shall report before the respondent police everyday for a period of two weeks and thereafter as and when required for interrogation. The third petitioner shall report before the respondent police once in a



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week for a period of two 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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