



Crl.O.P.No.31283 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 294(b), 452, 323, 380 & 506(i) IPC in Cr.No.565 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Chief Editor of Win TV at Delhi, his wife is working with a NGO in the Accounts Department. The first accused is also working as Accounts Manager in the same concerned. A1 stating that they can make quick money had taken totally a sum of Rs1.5 Crores from the defacto complainant and his relatives. All these transactions made through bank accounts. After some time, when there was no returned, A1 was questioned by the defacto complainant's family members. At that time, A1 had said that he would deposit the documents pertaining to newly bought his house and the BMW Car and sought for some time. Since nothing he is being done, the present complaint lodged.



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3.The learned counsel appearing for the petitioner would submit that the both the accused on the one side and the defacto complainant on the other side were involved about investment of money in various Schemes into the shares. Since, the petitioner was unable to repay the amount as promised, the defacto complainant had spread a rumour tht the accused are defrauding the investors and lodged a complaint. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that it is a case of business transaction and since the accused were uable to repay the amount taken under the guise of business, the present complaint is being lodged before the respondent police and investigation is still on. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, the petitioner 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 of receipt of a copy of this order, before the learned District Munsif ci, Judicial **Magistrate, No.1, Tambaram**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police every Wednesday at 10.30 a.m. 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;



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(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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

09.01.2023

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