



CrI.O.P.No.834 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406,294(b) and 506(i) of I.P.C in Crime No.399 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, Sowrirajan is doing real estate business along with his partner namely Nedumaran. The first petitioner herein is the relative of Nedumaran. There was some monetary transaction between the defacto complainant and the said Nedumaran. The defacto complainant had to return back a sum of Rs.21,00,000/- to the said Nedumaran. It is the case of the defacto complainant that he had handed over the said amount to the petitioner herein to hand it over to the Nedumaran. Instead, it is complained the petitioner did not hand over the amount.

3. The learned counsel for the petitioners stated that the petitioners had handed over a sum of Rs.19,00,000/- to the brother of the defacto complainant. That is an issue which can be decided during the course of the trial. As on date, the petitioners have received a sum of Rs.21,00,000/- from the defacto complainant and have not handed over



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4. The learned counsel for the petitioners stated that to prove bona fide the petitioners are ready and willing to deposit any amount as imposed by this Court.

5. However, taking all the other factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners, **directing each of the petitioner to deposit an amount of Rs.5,00,000/- (Rupees Five lakh only) each to the credit of Crime No.399 of 2023 before the learned Judicial Magistrate No.II, Chidambaram.**

5. Accordingly, the petitioners are 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 **Judicial Magistrate No.II, Chidambaram** 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



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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 daily at 10.30 a.m., until further orders.

[c] Each of the petitioner is directed to deposit an amount of Rs.5,00,000/- (Rupees Five lakh only) to the credit of Crime No.399 of 2023 before the learned Judicial Magistrate No.II, Chidambaram. On such deposit being made the Judicial Magistrate No.II, Chidambaram may transfer the same to any fixed deposit account in one of the nationalised bank and the amount should be retained in the bank account till the date of final order. If the petitioners are convicted the said amount may be returned to the defacto complainant with interest. If the defacto complainant is acquitted the said amount may be returned to the accused with interest.

[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



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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.

31.01.2024

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