Crl.O.P.Nos.9773 & 9884 of 2024

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections120-B and 420 of IPC in Crime No.2 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the 1at accused/1st petitioner is running M/s.Seaa Horse Consultancy and made the investors to deposit in the said Company by making false promise that they will return the money with huge profitable amount in a short duration. Thus they collected huge amount from several depositors and to obtain trust from the investors, they have also returned some portion of the money to the depositors for few months. Later inspite of the repeated demands, they have not returned the entire money. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have made part payments to some of the depositors and also only some portion of the amount has to be repaid to them. He further submitted that the depositors threatened the first accused on 20.10.2023 in several ways claiming their amount with interest. Pursuant to which, he filed a

petition in I.P.No.6 of 2023 before the Sub-Court, Ranipet, praying to adjudge him as an insolvent. He further submitted that the petitioners are innocent persons. He further submitted that they are ready to abide by any condition imposed by this court. Therefore, he prayed to grant anticipatory bail to the petitioners.

4. Learned intervening counsel appearing for the defacto complainant has submitted that out of huge amount collected by the Company, only a portion of the amount has been returned to the depositors. Thus the depositors have been affected by these petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) would submit that these petitioners by running a Company have cheated 45 depositors by making them false promise that the Company will return the amount with huge profit. The total cheated amount is more than Rs.2,00,00,000/-. The 1st accused on behalf of the Company, has received Rs.1,25,50,000/- from the defacto complainant Nirmala and her family members and returned only Rs.26,33,620/- through bank transaction. Inspite of the repeated demands, the Company has not returned the balance amount to her and other depositors. Only some portion of the amount were returned to the depositors to obtain

trust from them. He further submitted that the 1st accused has filed a petition in I.P.No.6 of 2023 before the Sub-Court, Ranipet, praying to adjudge him as an insolvent under the provisions of Provincial Insolvency Act. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. Taking note of the facts and circumstances of the case and that the petitioners have collected huge amount of money from the depositors and returned only a portion of the amount to the depositors and on seeing the cheating intention of 1st accused/1st petitioner, this court is not inclined to grant anticipatory bail to the 1st accused/1st petitioner alone. Hence, anticipatory bail stands dismissed in respect of 1st accused/1st petitioner alone.

7. Since there is no previous case pending against the petitioners 2 to 7 and they are ready to abide by any condition imposed by this court, this Court is inclined to grant anticipatory bail to the petitioners 2 to 7 with certain conditions.

8. Accordingly, the accused 2 to 7/petitioners 2 to 7 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the

***learned District Munsif cum* Judicial Magistrate, Arcot, Ranipet District**

for 2nd Accused and before the learned Judicial Magistrate, Katpadi for the accused Nos.3 to 7, on condition that the petitioners 2 to 7 shall execute a separate 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 conditions that:

[a] the petitioners 2 to 7 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 petitioners 2 to 7/accused 2 to 7 shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) jointly to the credit of Crime No.2 of 2024, within a period of four weeks from the date on which the order copy made ready, failing which, the anticipatory bail granted to the petitioners 2 to 7 shall stand cancelled automatically on such deposit, defacto complainant is permitted to withdraw proportionally;

[c] **the petitioners 2 to 7 shall report before the respondent police as and when required for interrogation**

[d] the petitioners 2 to 7 shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 2 to 7 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 2 to 7 in accordance with law as if the conditions has been imposed and the petitioners 2 to 7 are 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;

[g] if the accused 2 to 7 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

For reporting compliance, post the matter on 11.06.2024.

gv **29.04.2024**

T.V.THAMILSELVI, J.

gv

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29.04.2024