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Crl.O.P.No.9888 of 2024

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C.SARAVANAN, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 120 (b) of IPC in Crime No.61 of 2024, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that the petitioners are the Directors of the company, viz., SRI NITHI ENTERPRISES. It is stated that the said company had borrowed an amount of Rs.1,48,50,000/- from the de facto complainant and interest was deducted at the first instance itself. While so, the petitioners company had repaid a sum of Rs.53,04,900/- and had committed some defaults in repaying the instalments. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any



Crl.O.P.No.9888 of 2024

WEB COPY

offences as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. Mr.R.Vinothraja, learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners have siphoned off the de facto complainant's money by giving false promises that the respective husbands of the petitioners herein would induct him as Director of the company and hence, prayed for dismissal of anticipatory bail.

5. Heard both sides and perused the materials available on record.

6. The prime accused namely., Dhandapani and Anguraj, A1 and A4 in Crime No.60/2024 have already been arrested. Their petition for anticipatory bail in Crl.OP.No.10111/2024 was dismissed and they are behind the bars. The petitioners herein are the wives of the respective petitioners in Crl.OP.No.1011/2024 and they have been arrayed as A2 and A3 respectively. The case of the de facto complainant is that the



Crl.O.P.No.9888 of 2024

WEB COPY

money was paid into the personal accounts of the petitioners and they inturn siphoned off the money by giving false promises that the respective husbands of the petitioners herein would induct the de facto complainant as Director of the company. *Prima facie*, there are indications that offenses if any, would have committed by the respective spouses in Crl.OP.No.10111 of 2024 and not by the respective petitioners in this Crl.OP.

7. Having considered the submissions made by the learned counsel for the petitioner and the learned Public Prosecutor this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are however, required to co operate with the respondent for giving statement and for filing of the compliance by the respondent. The de facto complainant is at liberty to recover the amount in accordance with law. The petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the **Special Court for CCB and CBCID cases, Egmore**, on condition



Crl.O.P.No.9888 of 2024

WEB COPY

that the petitioners shall execute a bond for a sum of Rs.10,000/-(each) (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 final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[c] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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



Crl.O.P.No.9888 of 2024

WEB COPY

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]**.

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

22.05.2024

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Crl.O.P.No.9888 of 2024

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