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Crl.O.P.No.11072 of 2023
and Crl.M.P.No.16482 of 2023

C.V.KARTHIKEYAN, J.

The petitioners/A1 & A2 seek anticipatory bail in Crime No.72 of 2023 registered by the respondent Police for the offences punishable under Sections 409, 420 and 34 of IPC.

2. It is the case of the prosecution that the petitioners and the defacto complainant knew each other and with the help of the petitioners, the defacto complainant had opened an account with the IDFC Bank at Puducherry.

3. It is stated that after the opening of the account, the defacto complainant had authorised the bank officials to hand over the debit card and bank passbook and other documents relating to the account to the petitioners herein/A1 & A2. Incidentally, A3 is the Sales Manager of the bank.

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4. It is also stated that the defacto complainant had deposited a sum of Rs.11/- lakhs in that particular account. It is the specific case of the prosecution that with the help of A3, the petitioners herein had withdrawn the said amount of Rs.11/- lakhs without the knowledge of the defacto complainant. It is also stated that if any withdrawal is made, an SMS will be sent to the registered mobile number and also e-mail would be sent. It is the specific case of the prosecution and also of the defacto complainant that with the assistance of A3, the petitioners had given their mobile number and their E-mail ID, consequent to which, the withdrawal of the account did not come to the knowledge of the defacto complainant. It is under those circumstances that the complaint had been lodged and FIR had been registered.

5. The learned counsel for the petitioners stated that the first petitioner and the defacto complainant are friends and that the defacto complainant is an Advocate and he had come over to Puducherry and stayed in the residence of the defacto complainant. It is stated that with the help of such friend, an account was opened. The learned counsel denied that amounts had been withdrawn without the knowledge of the defacto complainant.

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6. The learned Public Prosecutor (Puducherry) stated that A3, a bank employee had been arrested and had been granted bail. But these petitioners are absconding and therefore, investigation could not proceed. It is stated that these petitioners had withdrawn a sum of Rs.11/- lakhs with the help of information provided by A3 relating to the registered mobile number and E-mail ID of the defacto complainant. It is stated that those registered mobile number and E-mail ID had been changed and the defacto complainant was not aware of the withdrawal of the amount of the defacto complainant. This issue requires deeper investigation.

7. The learned counsel for the petitioners also stated that A3 had been arrested. The question which however has to be answered is about the withdrawal of Rs.11/- lakhs from the account of A1 after changing the registered mobile number and changing the E-mail ID. Since investigation will have to be done, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

30.01.2024

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