



Crl.O.P.No.12410 of 2024

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T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 384 and 506(2) of IPC in Crime No.163 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant are business partners. Due to some business transaction, a dispute arose and the first petitioner lodged a complaint against the defacto complainant and his son. Thereafter, the first petitioner along with the rowdy elements entered into the house of the defacto complainant and taken away the valuable things from his house. Hence, this case.

3. The learned counsel for the petitioners submitted that the petitioners have not extorted any money from the defacto complainant and they have not obtained any documents forcibly as alleged in the FIR. In fact, the first petitioner and the defacto complainant are business partners. The defacto complainant and his son cheated the first petitioner



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and others for more than 60 crores, for which, he has already lodged a complaint and an FIR has also been filed in Crime No.4 of 2024 and the same is pending. As a counter blast, this complaint has been lodged by the defacto complainant. Hence, he prayed for anticipatory bail to the petitioners.

4. The learned counsel for the intervener submitted that on 19.02.2024 at about 6.30 a.m., the first petitioner along with the rowdy elements entered into the house of the defacto complainant, abused him in filthy language, attacked the defacto complainant and his son and taken away three mobile phones, 18 sovereigns of gold, Rs.25,000/- of cash, two credit cards, signed cheque leaves and two car keys. Using the signed cheque leaves, they also transferred Rs.1,00,000/- from the defacto complainant's account and Rs.17,00,000/- was also transferred from the defacto complainant's account through his mobile phone. The defacto complainant lodged a complaint to the police, but they have not taken any steps.



5. The learned Government Advocate (Crl.Side) submitted that on verification of the CCTV footage, it is seen that on the day of occurrence at 6.30 a.m. the rowdy elements entered into the house of the defacto complainant. When it was enquired by the police to the petitioners, they said they had interaction with the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and also the fact that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, **the petitioners are directed not to enter into the house of the defacto complainant unlawfully** and the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned XVIII Metropolitan Magistrate Court at Egmore, Chennai-8** on condition that the petitioners 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, 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 petitioners are directed to report before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of twelve weeks and thereafter, as and when required for interrogation.

[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 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



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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.

8. The amount of Rs.17,00,000/- stands in the account of the second petitioner is ordered to be freezed and not to be released either to the petitioners or to the defacto complainant until the order passed by the Court of law.

12.06.2024

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