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CrI.OP.No.19262 of 2024

CrI.O.P.No.19262 of 2024

P.DHANABAL, J.

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in Crime No.20 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on 19.05.2023, the defacto complainant gave a complaint stating that the 2nd Petitioner is his friend and he introduced the 1st petitioner, who is running an Online Trading Company viz., V Gain Solution. The 1st petitioner forced the defacto complainant to invest in her company and assure to give 7% profit on his invest. Based on that he had invested a sum of Rs.12,00,000/- but the first petitioner failed to pay the profit amount, after that the 1st petitioner returned a sum of Rs.2,10,000/- only but she had not returned the balance amount which was invested.



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3. The learned Counsel for the petitioners would submit that the defacto complainant and the 1st petitioner were doing an online trading business, due to loss of their business, the defacto complainant lodged a false complaint against the petitioners. The petitioners never received any amount from the defacto complainant. Hence, the learned counsel for the petitioners prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that A1 & A2 are sister and brother, they received a sum of Rs.12,00,000/- from the defacto complainant as an investment, out of which Rs.2,10,000/- was already returned to the defacto complainant. Further, he contended that this Court in Crl.O.P.No.14479 of 2023, by Order dated 25.08.2023 has already granted anticipatory bail to the petitioners on condition to deposit a sum of Rs.3 lakhs to the credit of Cr.No.20 of 2023, however, they have not complied with the condition as ordered by this Court. Hence, vehemently opposed to grant anticipatory bail to the petitioners.



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5. This Court perused the order dated 25.08.2023 in Crl.O.P.No.14479 of 2023, wherein, this Court has granted anticipatory bail to the petitioners on the condition that the petitioners shall deposit a sum of Rs.3,00,000/- to the credit of Cr.No.20 of 2023, failing which the petition for anticipatory bail shall stand dismissed. The Order is dated 25.08.2023 and the same stands dismissed automatically as the petitioners have not complied with such conditions till date.

6. Such view of the matter, considering the rival submissions on either side and also of the fact that the respondent police have not secured the petitioners/accused all these days and the dispute relates to money transaction between the accused and the defacto complainant and the same is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned



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Judicial Magistrate No.1, Ponneri, on condition that the petitioners shall execute a separate 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 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 am until further orders.

[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.



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[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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

14.08.2024

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