



Crl.O.P.No.24307 of 2024

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WEB C **P.DHANABAL,J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.895 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has given a sum of Rs.3,70,000/- to the first petitioner for investing in the share market and thereafter, the petitioner failed to return it back to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent person and they have been falsely implicated in this case. He would further submit due to down fall in the share market, the entire money was lost, but however, they returned a sum of Rs.1,50,000/- to the defacto complainant. He also submitted that the alleged occurrence took place in the year 2021, but the complaint has lodged in the year 2022. Hence, they prayed for grant of anticipatory bail.



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4.The learned Government advocate(Crl.Side) would submit that the defacto complainant has given a sum of Rs.3,70,000/- to the first petitioner for investing in the share market and thereafter, the petitioners failed to return it back to the defacto complainant. He further submitted that the amount was not repaid to the defacto complainant. He also submitted there is no previous case pending against the petitioners. However, he objected to grant anticipatory bail to the petitioner.

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

6.Considering the rival submissions on either side and considering the fact that there is no previous case pending against the petitioners and the alleged occurrence said to have taken place in the year 2021 but the complaint has lodged in the year 2022 and considering the nature of offence and the transaction between the parties, 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



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the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvottiyur, on condition that the petitioners shall execute a 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 learned Magistrate concerned and on further condition that:

[a] the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and the second petitioner shall report before the respondent Police on every Saturday at 10.30 a.m., for a period of four weeks;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

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

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