



CrI.OP.No.23845 of 2023

CrI.O.P.No.23845 of 2023

and

CrI.MP.No.17231 of 2023

C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Cr.No.22 of 2023 registered by the respondent police for the offence punishable under Sections 406, 420 of IPC and Section 66D of Information Technology Act.

2. It is the case of the prosecution that the defacto complainant, was in the business of dealing with mobile phones at Tiruppur. The present petitioner is also the owner of the shop dealing with mobile phones. He had an employee /Manager called Aravind. The further case of the prosecution is that in the course of such transactions of dealing with mobile phones, in order to purchase, what the learned counsel for the defacto complainant stated where refurbished mobile phones, the defacto complainant had transferred a sum of Rs.67,00,000/- to the



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account of Aravind and it is the case of prosecution that Aravind in turn had transferred the said amount to the petitioner herein. It is stated that the refurbished mobile i Phones to the value of Rs.27,00,000/- alone had been supplied back, but the balance of Rs.40,00,000/- has been retained by the accused and refurbished phones had also not been supplied. It is under those circumstances, the F.I.R had been registered on complaint may lodged by the defacto complainant.

3. The learned counsel for the petitioner, stated that Aravind had absconded from the shop of the petitioner herein on 19.04.2023 and owing to that fact, his mother and wife had originally lodged a complaint which has been registered as FIR in Cr.No.181 of 2023. There was yet another complainant called Chandra Bose who had also lodged a complaint which was registered as F.I.R in Cr.No.233 of 2023 on 18.07.2023 before the Amanjikarai Police Station. In that, the defacto complainant herein, the present petitioner and his brother and also the said Aravind were originally arrayed as accused and subsequently the defacto complainant was dropped as being an accused.



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4. It is also stated by the learned counsel for the petitioner that the petitioner herein had filed O.S.No.4597 of 2023 seeking repayment of for a sum of Rs.2.95 lakhs and the defacto complainant herein had remained exparte, though had been served with suit summons. It is clear that all the persons were involved in trading in what they honourably called as refurbished iPhones, but which could be anything, but certainly not new i phones . The fact that the defacto complainant remained exparte in the suit also points out that it is only a suit which has been filed for the sake of filing a suit and not with any real intention. The fact that Aravind had absconded, but had been arrested in Mumbai by the respondents and had been granted bail also shows that he absconded as an act of disappearance for the convenience of the parties herein. I am not at all convinced with the bonafide of either the petitioner or of the defacto complainant or of the other accused. Unfortunately they are making use of the respondents for their nefarious purposes.



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5. In view of the surrounding factors, this Court is inclined to grant anticipatory bail with following conditions

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate-I, Tiruppur* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 petitioner 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 petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty lakhs only) to the credit of Cr.No.22 of 2023 before the learned Judicial Magistrate-I, Tiruppur within a period of three**



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weeks from the date on which the order copy made ready and on such deposit, the learned Magistrate may transfer the same to the fixed deposit scheme and pass final orders on the conclusion of trial .

[c]the petitioner shall report before the respondent police on alternative days at 10.30 a.m. until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

Consequently, the connected miscellaneous petition is closed.

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