



WEB COPY



Crl.O.P.No.24056 of 2023

Crl.O.P.No.24056 of 2023  
and  
Crl.M.P.No.19262 of 2023

**C.V.KARTHIKEYAN, J.**

The Petitioners/A1 to A4 in Crime No.4 of 2023 registered by the respondent police for the offences under Sections 406, 420 and 506(1) IPC, seek anticipatory bail.

2. It is the case of the prosecution that the defacto complainant came to know about the Petitioners herein and they made him to invest amounts in the civil and mechanical works by taking work orders on contract basis. It is stated that the defacto complainant also had invested amounts and had joined in the business venture of the Petitioners herein.

3. It is the specific case of the prosecution that trusting the words of the Petitioners herein, the defacto complainant had deposited a sum of Rs.3,74,500/- (Rupees Three Lakhs Seventy Four Thousand and Five Hundred only) in the FEDERAL BANK bearing Account No.999801087449 in the name of the Accused A2/Abishaek between April 2021 and October 2021. He had also deposited a sum of Rs.3,32,905/- (Rupees Three Lakhs



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Thirty Two Thousand Nine Hundred and Five only) to the STATE BANK OF INDIA bearing Account No.67164350428 in the name of Anil/A3 between April 2021 and October 2021. He had also deposited a further sum of Rs.11,35,500/- (Rupees Eleven Lakhs Thirty Five Thousand and Five Hundred only) to the FEDERAL BANK bearing Account No.99980108794491 in the name of Kesava Dev/A4 again between April 2021 and October 2021. He had also transferred amounts through Google Pay, net banking and other money transactions platforms from his IOB BANK bearing Account No.182401000008321 and had sent a further sum of Rs.10,57,595/- (Rupees Ten Lakhs Fifty Seven Thousand Five Hundred and Ninety Five only) to various Google Pay numbers as stated by the Accused A1/Vijayan.

4. It is seen that the defacto complainant had transferred a total sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) to the Accused persons. None of the amounts had been returned. The defacto complainant had not been made as a partner and no business had been started. As a matter of fact, it is stated that all the Accused persons had also filed an anticipatory bail application in Bail Appl.No.1960 of 2023 before the High Court of



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Kerala.

5. It is submitted by the learned counsel for the petitioners that a sum of Rs.4,00,000/- (Rupees Four Lakhs only) will be repaid by the Petitioners. But that is a negligible portion of the total amount transferred by the defacto complainant to the Accused persons.

6. Taking all these aspects since the offence of cheating is clearly made out, I am not inclined to grant anticipatory bail to the petitioners herein.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

**14.03.2024**

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