Crl.O.P.No.27633 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 420 and 506(2) of I.P.C, in Crime No.7 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused induced the de-facto complainant on the promise of giving online jobs cheated him to the tune of Rs.23 lakhs. Based on the complaint, a case came to be registered in Crime No.7 of2023 for an offences under Sections 420 I.P.C and 66 of I.T.Act. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is a normal resident of Kerala and he is a proprietor of 'Al Muqtadir Group'. The petitioner's establishment operates a cash and credit account with HDFC Bank Ltd, Palarivattom, Ernakulam bearing account No.502000090396739 in the name of Al-Muqtadir Group-kochi. While so, on 12.09.2024, the account of the petitioner was frozen by the Bank and he had earlier approached Kerala High Court in

WP(C)No.33289 of 2024 and the Kerala High Court finding that the amount involved in the case is Rs.23 lakhs has directed the freezing of the account to the extent of Rs.23 lakhs and permitted to the petitioner to operate the account in respect of the balance amount. Meanwhile, the petitioner was served a notice under Section 35(3) of B.N.S Act by the respondent police and the petitioner apprehending arrest approached the Kerala High Court seeking for interim anticipatory bail in Bail A.No.8604 of 2024 and the Hon'ble Kerla High Court has also granted transit anticipatory bail by an order dated 16.10.2024.

4. The learned counsel would further submit that the petitioner is a businessmen and for no fault committed by him, the petitioner has been unnecessarily roped in this case and he further understands that the amount of Rs.1,17,000/- has been paid into the account of the petitioner by way of layering by the other accused for which the petitioner cannot be hold responsible. The petitioner is ready to co-operate with the respondent for investigation and he is also ready to depute a senior official from his firm to furnish details. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner is the owner of 'Al Muqtadir Group' . The accused had cheated the de-facto complainant to the tune of Rs.23 lakhs and during the course of investigation, it has come to light that the amount of Rs.1,17,000/- has been transferred to account of the petitioner and he would submit that the petitioner is wanted for the purpose of enquiry and he is not an accused as on today.

6. Taking into consideration the facts and circumstances of the case and involvement of the petitioner and it is also reported that he is not arrayed as an accused in this case and the presence is only required for the purpose of enquiry, this petition stands closed with a direction to the petitioner to depute a responsible senior official in his firm to give details about the transactions.

7. With these observations, this anticipatory bail stands closed.

12.11.2024

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