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Crl.O.P.No.28042 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 417, 42 and 120B of I.P.C. in Crime No.5 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Ranjithkumar is that one Prem Nazir is his close friend and through Prem Nazir, first accused Sadiq Ali, who is running furniture business came into contact with him and on the recommendation of the 1st accused Sadiq Ali, the defacto complainant had given a sum of Rs.30,00,000/- for his business on 16.05.2018 and the knowledge about handing over of money is known to 2nd accused, uncle of 1st accused. A2 and A3 are close relatives and later, the 1st accused had not repaid the amount and cheated and later he absconded. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is none other than uncle of 1st accused and even as per the F.I.R. there is no specific allegation against the petitioner as if the



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amount was given to A1 only on the inducement or recommendation of the petitioner and other than stating that the petitioner is aware of amount transferred to the first accused, there is no averment against him. He would submit that he is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that A1 borrowed amount of Rs.30,00,000/- from the defacto complainant for his business and thereafter, he has not repaid the amount and he cheated and later absconded. As far as allegation against the petitioner is that he is aware of the transaction of the amount between the defacto complainant and the 1st accused. He would submit that investigation is still pending.

5. The learned counsel for intervenor would submit that the petitioner is uncle of 1st accused and he is also aware of the fact that an amount of Rs.30,00,000/- was received by the 1st accused from the defacto complainant and now, A1 is arrested and he is still in custody.



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6. In reply, the learned counsel for petitioner would submit that he is neither a borrower nor a guarantor, but he is unnecessarily dragged into this case to settle the financial dispute.

7. Heard the learned counsel for the petitioner, the learned Government Advocate (CrI. Side) appearing for the respondent police and the learned counsel for Intervenor and perused the materials available on record including the FIR.

8. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the petitioner is neither a borrower nor a guarantor, however, he was implicated in this case as he was aware about the transaction, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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 **learned Judicial Magistrate Court, Tiruvarur**, on condition that the petitioner



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shall execute a separate 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 report before the respondent police everyday at 10.30 a.m. for the period of one week and thereafter, on every Saturday at 10.30 a.m. until further orders.

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

[d] the petitioner 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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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