



Crl.O.P.No.28298 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 406 and 420 IPC in Crime No.46 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant one Niyas Mallick, Managing Partner of M/s.Moonlight Jewellers, doing business of manufacture and supply of gold jewels. The accused, who are the father and son running a jewellery shop in Palakad, had induced him to supply jewels. The accused had received jewels from 12.03.2017 and in course of the transaction, they refused to pay the balance amount of Rs.6,29,09,017/- and cheated the defacto complainant. Hence the case.

3. The learned counsel for the Petitioners would submit that the



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petitioners are innocent and a false complaint has been given against the petitioners. He would further submit that the petitioners have been engaged in the jewellery business under the name M/s.Balakrishnan Jewellery at Palakkad for several years and they have been having business transactions with the defacto complainant from the year 2017, purchasing jewels on payment of money. During the course of transaction, some amount became due, and thereafter, one of the partners of the firm had entered into an agreement with a proposal to settle for Rs.32 lakhs on 26.10.2021 and there was some dispute arose between the parties and a false complaint has been given as if the petitioners cheated the defacto complainant. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police, while opposing for the grant of anticipatory bail to the petitioners, would submit that the defacto complainant running a jewellery business and that the accused had purchased jewels from the



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year 2017. During the course of transaction, an amount of Rs.6,29,09,017/- is due and the accused cheated the defacto complainant.

5. The learned counsel appearing for the defacto complainant vehemently opposed for granting anticipatory bail to the accused would submit that the accused induced the defacto complainant on the assurance of making payment purchase jewels and then refused to pay the amount.

6. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) for the respondent Police, learned counsel appearing for the defacto complainant and perused the materials available on record.

7. Taking into consideration the facts and circumstances of this case, and also considering the fact that the learned counsel for the petitioners, to show their bona fides, submitted that the petitioners are ready to deposit the original title deeds of an immovable property worth



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about Rs.50 lakhs each to the credit of this crime number, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, **the petitioners are directed to deposit the original title deed/deeds of an immovable property/properties not less than the value of Rs.50 lakhs (standing in the name of the petitioners or their relatives or their friends) to the credit of Crime No.46 of 2024 before the Court concerned**, without prejudice to his rights and contentions before the trial Court and on such deposit, 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 the date on which the order copy made ready, before the **learned Judicial Magistrate No.VII, Coimbatore**, on condition that the petitioners shall execute a separate 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 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:



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[a] the Petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the Petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one weeks and thereafter, every Saturday at 6.30 p.m., until further orders;

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

[d] the Petitioners shall not abscond either during investigation or trial;

[e] 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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