



Crl.O.P.No.28696 of 2024

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioners/ Accused Nos.5 and 7, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 506(2), 420 and 120B of IPC in Crime No.2 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the engaged in jewellery business. A1, A2, A4 and A6 are his family friends for the past 30 years. The accused, through their Manager, had induced the de facto complainant and received a sum of Rs.8.34 Crores for the real estate business and later, failed to repay the amount and when the de facto complainant had demanded the amount, they have threatened the de facto complainant, hence the case.

3. Learned counsel for the petitioners submitted that a case of financial transaction has been projected as a case of cheating. The petitioners, arrayed as A5 and A7 and they did not have any direct contact with the de facto complainant. Even a reading of the FIR would show that the entire money is alleged to have been advanced as loan to the accused. Further, A1, A2, A and A6, against whom allegations of receipt of money are made, have been granted



anticipatory bail in Crl.O.P.No.26840 of 2024 by order dated 30.10.2024. He would further submit that the petitioners are innocent and they would abide by any condition that may be imposed by this Court and prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners, stating that the defacto complainant lent significant sums of money, totalling Rs.8.34 crores, to co-accused, who involved in a real estate business. In addition to that, the defacto complainant claims that the petitioners herein along with other accused had fraudulently brokered a land deal and received a sum of Rs.72,52,000/-, but, failed to execute the sale deed or return the money thereby, the petitioners along with co-accused had cheated a sum of Rs.9.787 crores.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of



the fact that the main accused in this case were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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.II, Krishnagiri** 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:

[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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10:00 a.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.



WEB COPY

Crl.O.P.No.28696 of 20



[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

18.11.2024

stn/ssk.



WEB COPY

Crl.O.P.No.28696 of 2024



A.D.JAGADISH CHANDIRA, J.

stn/ssk.

Crl.O.P.No.28696 of 2024

18.11.2024