



Crl.O.P.No.29666 of 2024

Crl.O.P.No.29666 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners/A1, A2 and A4 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 420, 506(1) of IPC in Crime No.12 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant one Venugopal Raja is that the accused induced him to join in a Resto bar business and in the event management business and made him to invest a sum of Rs.3.35 Crores and later closed the business and had returned a sum of Rs.48 Lakhs, refused to pay the balance amount and cheated the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant are known to each other. He would submit that the defacto complainant entered into a share holder agreement with the petitioners, based on which they started a resto bar and during the course of business, they have also arranged to conduct a musical event by A.R.Rahman. However, due to closure of the resto bar and the cancellation of the event of A.R.Rahman, the petitioners were



Crl.O.P.No.29666 of 2024

WEB COPY

unable to repay the amount. He would submit that the petitioners have evidence to show that a sum of Rs.48 Lakhs has been repaid. He also submitted a sum of Rs.84 Lakhs has been transferred through Bank and an exaggerated complaint has been given as if the balance amount was paid by way of cash. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that the petitioners were issued notice under Section 35(3) of BNS for appearance before the respondent on 12.11.2024 and they have also been asked to appear on 03.12.2024.

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, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



CrI.O.P.No.29666 of 2024

WEB COPY

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, Erode**, 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 everyday at 10.30 a.m. for a period of one week and thereafter, the second petitioner alone shall appear before the respondent police everyday at 10.30 a.m for a period of four weeks and thereafter as and when required.



Crl.O.P.No.29666 of 2024

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

27.11.2024

mn

A.D.JAGADISH CHANDIRA, J.,



WEB COPY



Crl.O.P.No.29666 of 2024

mn

Crl.O.P.No.29666 of 2024

27.11.2024