



Crl.O.P.No.28654 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioners/A1 and A2 in Crime No.25 of 2023 registered by the respondent police for the offences under Sections 406 and 420 IPC, seek anticipatory bail.

2. It is the case of the prosecution that the defacto complainant and the Accused had entered into a partnership business in the name of “Sri Archana Tiles and Granites” on 15.03.2021. The Accused persons had contributed a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) and the defacto complainant had contributed a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) as his share.

3. It is the specific case of the defacto complainant that utilizing that amount of Rs.20,00,000/- (Rupees Twenty Lakhs only), the Petitioners herein/Accused had started another allied business and had diverted that amount and had commenced business and therefore, the defacto complainant was put to a substantial loss.



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4. It is, however, contended by the learned counsel for the petitioners that the husband of the defacto complainant is an employee in the police department and had withdrawn all the investments and what is left is the rental advance of a sum of Rs.6,00,000/- (Rupees Six Lakhs only), stock of Rs.6,00,000/- (Rupees Six Lakhs only) and an infrastructure of Rs.4,00,000/- (Rupees Four Lakhs only). He had also taken away a camera worth of Rs.1,60,000/- (Rupees One Lakh and Sixty Thousand only). This is an issue which will have to be determined only on analysing the evidence adduced by both the parties.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioners subject to the following conditions that **the Petitioners are directed to jointly deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.25 of 2023 before the learned Judicial Magistrate No.VI at Salem and on such deposit, the learned Judicial Magistrate No.VI at Salem may transfer the said amount to an interest earning Fixed Deposit account and pass final orders at the time of conclusion of trial.** Accordingly, the Petitioners are ordered to be released on bail in the event of arrest or on their appearance,



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within a period of fifteen days from the date on which the order copy made ready, before **the Judicial Magistrate No.VI, Salem**, 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 conditions 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 jointly deposit a sum of **Rs.4,00,000/- (Rupees Four Lakhs only)** to the credit of **Crime No.25 of 2023** before the learned **Judicial Magistrate No.VI at Salem** and on such deposit, the learned **Judicial Magistrate No.VI at Salem** may transfer the said amount to an interest earning **Fixed Deposit** account and pass final orders at the time of conclusion of trial.



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[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for the interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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