

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Tenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K. KALYANASUNDARAM

CRIMINAL ORIGINAL PETITION No.6035 of 2017

D.BALACHANDRAN CHETTIAR

[PETITIONER / ACCUSED]

Vs

THE STATION HOUSE OFFICER, [RESPONDENT]
THIRUPADIRIPULIYUR POLICE STATION,
CUDDALORE DISTRICT.
CR.NO.309 OF 2015.

For Petitioner : M/S.D.BASKAR Advocate

For Respondent : MR.R.RAJARATHINAM PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as first accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 506 (i) of IPC, in Crime No.309 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a goldsmith and both the accused have purchased jewels worth about Rs.45,00,000/- [Rupees Forty Five Lakhs only] and they failed to make payment and thereby cheated the defacto complainant.

3. Mr.D.Baskar, learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the respondent and it is further submitted that the respondent has already completed the investigation and also filed a Final Report and at this juncture, the custodial interrogation of the petitioner is not warranted.

4. Mr.R.Rajarathinam, learned Public Prosecutor would submit that after completing the investigation, the respondent filed the Final Report in this case on 13.11.2016, which is taken on file by the learned Judicial Magistrate No.III, Cuddalore in C.C.No.8 of 2017 and the case is posted on 21.04.2017.

5. Heard the learned counsels on either side.

6. Earlier application of this petitioner was dismissed on 16.02.2016 for the reason that the petitioner did not deposit Rs.10,00,000/- [Rupees Ten Lakhs Only] as per the direction of this Court, dated 03.09.2015. The learned counsel for the petitioner would submit that the petitioner is ready and willing to pay a sum of Rs.5,00,000/- [Rupees Five Lakhs Only], directly to the defacto complainant, without prejudice to his right in the criminal case.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-II, Cuddalore and on his executing a 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 learned Magistrate concerned and the petitioner shall also pay a Rs.5,00,000/- (Rupees Five Lakhs Only) to the defacto complainant by way of Demand Draft on or before 21.04.2017 and the petitioner shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

10. Post the matter for reporting compliance on 24.04.2017.

-sd/-
10/04/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
THIRUPADIRIPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

+1CC to M/S.D.BASKAR Advocate on payment of necessary charges
SR NO.6502

CRL OP.6035/2017

Date :10/04/2017

MK:12/04/2017