

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.25446 of 2017

D.SEENU,

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY ITS
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM I CHENNAI
CR.NO.59 OF 2017.

[RESPONDENT]

For Petitioner : M/S.R.HEMALATHA Advocate

For Respondent : MR.K.MATHAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

This is the second anticipatory bail application and the first anticipatory bail application filed in Crl.O.P.No.12234 of 2017 was dismissed by this Court on 21.09.2017 by a detailed order and the relevant portion of which is as under:

"3. When this Court directed Seenu to surrender the original Power of Attorney Document No.10589 of 2016, he has filed an affidavit dated 21.09.2017, wherein, in para No.5, he has stated as follows:

"I under take that I will not in any way utilise the power of attorney executed by Mr.Balasubramaniam in my favour and I will not cause any encumbrance to the property."

4. Though he has stated so, he has not come forward to surrender the Power of Attorney to police. Thus, he is playing truant with the Court. In such view, this is not a fit case to grant anticipatory bail to the petitioner, the custodial interrogation of the petitioner is necessary to recover the Power of Attorney. Hence, this petition is dismissed."

2. The learned counsel for the petitioner submitted that the

petitioner is ready and willing to handover the original Power of Attorney, Document No.10589 of 2016 to the police. The petitioner has also filed an affidavit dated 11.11.2017, wherein paragraph-5 reads as follows:

"5. I submit that this Hon'ble Court was directed me to produce the Original Power of Attorney vide Document No.10589/2016 and hence, as per direction given by this Hon'ble Court I am submitting this Original Power of Attorney vide Document No.10589/2016 before this Hon'ble Court."

3. Today, the original Power of Attorney document is handed over to Mr.K.Madhan, learned Government Advocate (Criminal Side) across the bar, who in turn handed over the same to Mr.K.Rajan, Sub Inspector, CCB, TEAM XVII, (Mobile No.9498113864). In such view of the matter, this Court is inclined to grant anticipatory bail to the petitioner.

4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned CCB, CBCI, Allikulam, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties out of whom, one shall be a blood related surety, each for a like sum to the satisfaction of the learned CCB, CBCID, Allikulam, Egmore, Chennai, and on further condition that:

[a] the petitioner 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 petitioner shall appear before the CCB, CBCID, Allikulam, Egmore, Chennai daily at 10.30 a.m. before the respondent police for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 229A IPC.

-sd/-
11/12/2017

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 CCB, CBCID,
ALLIKULAM, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGAISTRATE, EGMORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM I CHENNAI

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.R.HEMALATHA Advocate on payment of necessary
charges SR.NO. 22409

CRL OP.25446/2017

Date :11/12/2017

RD 15/12/2017