IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.12817 of 2018

M.JEYARAJ [PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
GUDIYATHAM, VELLORE DISTRICT
CR.NO.254 OF 2018.

For Petitioner : M/S.R.CHANDRASEKARAN Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.254 of 2018 registered by the respondent police for the offence punishable under Sections 420 and 506(i) of IPC.

2. The case of the prosecution as per the de-facto complainant one Kuppu Samy is that he is working as Head Master in a school and that the petitioner (A2), coming to know that the defacto complainant was having Rs.5,00,000/-, had induced him to deposit in a multi-level marketing scheme and also assured him that he is responsible for that amount. Thereby, on 03.03.2016 the defacto complainant had given the money to the accused and thereafter, when he had asked for return of money, they have not return the money, instead they issued a cheque signed by one Sudhakar (A1) and when the same was presented for collection, it had been returned due to insufficient funds. When the defacto complainant had questioned the accused, they had threatened him.

3. The learned counsel for the petitioner would submit that he is a teacher of a School and the actual fact is that the defacto complainant had invested the money with one Sudhakar, who is known to the petitioner also and other than that the said Sudhakar is known to him, he has nothing to do with the alleged offence. He would submit that there was a money transaction between one Sudhakar (A1) and the defacto complainant and unnecessarily the petitioner's name was brought into the picture so as to put pressure for recovery of the amount. He would submit that the cheque issued by Sudhakar

has been returned due to insufficiency of funds and that the defacto complainant has given a false complaint implicating the petitioner herein. He would submit that without prejudice to his contention, the petitioner, to prove his *bona fide*, is prepared to deposit a sum of Rs.1,00,000/- to the credit of Crime No.254 of 2018 before execution of sureties.

4. The learned Additional Public Prosecutor opposed the grant of anticipatory bail stating that the petitioner along with other accused, induced the defacto complainant to invest Rs.5,00,000/- in multi-level marketing and thereafter, cheated him. He would submit that one Sudhakar(A1) had issued a cheque favouring the complainant and the same was returned due to insufficiency of funds.

5. Taking into consideration the facts of the case and the submissions made by the counsels and affidavit filed by the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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 Judicial Magistrate, Gudiyatham, Vellore District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.254 of 2018 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial.

[c] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[d] the petitioner shall report before the respondent police daily at 5.30.p.m for a period of two weeks and thereafter, as and when required for interrogation;

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

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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].**

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
29/06/2018

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,
GUDIYATHAM, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
GUDIYATHAM, VELLORE DISTRICT .

+1CC to M/S.R.CHANDRASEKARAN Advocate on payment of necessary charges SR NO.11988

CRL OP.12817/2018

Date :29/06/2018

MK:05/07/2018