

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Thirtieth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION Nos.12826 and 12827 of 2018

SUDHAKAR

[ PETITIONER / ACCUSED

IN CRL.OP.NO.12826 OF 2018 ]

ANANDRAJ

[ PETITIONER / ACCUSED

IN CRL.OP.NO.12827 OF 2018 ]

Vs

STATE REP BY

[ RESPONDENT

THE INSPECTOR OF POLICE, IN BOTH THE PETITIONS ]

GUDIYATHAM TOWN POLICE STATION,

GUDIYATHAM, VELLORE DISTRICT.

CR. NO.254 OF 2018.

For Petitioner : M/S.G.VINODH KUMAR Advocate

[ IN BOTH THE PETITIONS ]

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

[ [ IN BOTH THE PETITIONS ]

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

ORDER : The Court Made the following order :-

The petitioners seek 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 defacto complainant one Kuppusamy is that the petitioners were induced him to invest Rs.5,00,000/- in a Multi-Level Marketing and thereafter, failed to return the money and that when he had asked for return of money, the accused had given a cheque signed by the petitioner in Crl.O.P.No.12826 of 2018 and when the cheque was presented for collection, the cheque had been returned due to insufficiency of funds.

3. The learned counsel for the petitioners would submit that a case of money transaction has been falsely projected as a case of cheating. He would submit that the petitioner in Crl.O.P.No.12826

of 2018 has transferred an amount of Rs.1,00,000/- to the account of the defacto complainant on 19.03.2016, whereas, a false complaint has been given as if the petitioners along with other accused cheated the defacto complainant. He would submit that the case has been registered based on the directions of this Court in CrI.O.P.No.811 of 2018 dated 23.02.2018.

4. The learned Additional Public Prosecutor appearing for the State would submit that the case of the prosecution is that the petitioners along with one Jayaraj induced the defacto complainant to invest in a Multi-Level Marketing Company and thereafter, cheated him. However, he would submit that the said Jayaraj has been granted anticipatory bail by this Court.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Gudiyatham, on condition that each of 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) 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]**;

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-  
30/07/2018

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

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2CC to M/S.G.VINODH KUMAR Advocate on payment of necessary charges in SR.NOs.14215, 14216

WEB COPY

CRL OP.NOS.12826 & 12827 of 2018

Date :30/07/2018

MLT-02/08/2018