

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.18120 of 2019

T.P.DEEPAK PRAVEEN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
R-8, VADAPALANI POLICE STATION,
CHENNAI-600026.
CR. NO.276 OF 2019.

For Petitioner : M/S.JOHNSON C.D . Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 of IPC in Crime No.276 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the accused person taken the camera for rental purpose. Thereafter, they neither return the camera nor paid the amount. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner arrayed as A2 and on the instructions of the A1, he has taken camera from the defacto complainant for rental purpose and immediately handed over the same to A1. The A1 is a cinematographer, who is shooting advertisement and other things. But the petitioner has nothing to do with the camera as well as with the A1. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused taken camera from the defacto complainant for rental purpose. Thereafter, refused to pay the rent and did not return the camera also. She further submitted that the total arrears of rent to the tune of Rs.2.5 lakhs not paid till date. However, she vehemently opposed to grant anticipatory bail to the petitioner.

5.It is seen that on the instructions of the A1, the petitioner has taken the camera from the defacto complainant for rental purpose and immediately handed over the same to A1. Thereafter, they neither return the camera nor paid the amount. The total arrears of rent to the tune of Rs.2.5 lakhs not paid till date. Hence, insofar the petitioner is concerned, he is arrayed as A2 and working somewhere and not working under the A1. Further, it is seen that the entire dispute between the petitioner and the defacto complainant is civil in nature.

6.Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.276 of 2019 within a period of two weeks from the date on which the order copy made ready, and on such deposit, 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 on which the order copy made ready, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand and on further condition that:

[a] the petitioner and the two 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 is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.276 of 2019 before the concerned Magistrate at time of executing bond.

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

[d] the petitioner 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

25/07/2019

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 METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-8, VADAPALANI POLICE STATION,
CHENNAI-600026.

+1CC to M/S.JOHNSON C.D . Advocate on payment of necessary charges SR NO.15390

CRL OP.18120/2019

Date :25/07/2019

MK:01/08/2019