

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL ORIGINAL PETITION No.33250 of 2019

SALEEM AHMED

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POOLICE,
DISTRICT CRIME BRANCH,
ERODE,
ERODE DISTRICT.
CRIME NO.25/2019

For Petitioner : M/S. D.BENNINGTON Advocate

For Respondent : M/S.S.THANKIRA Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 420 and 506(i) of IPC in Crime No.25 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The defacto complainant is said to be carrying about Rs.1,50,00,000/- in cash and during a routine check up by the Thalavadi police, they came across this cash, which the defacto complainant was carrying. The Thalavadi police insisted the defacto complainant to give acceptable legal documents to facilitate to return the cash. The defacto complainant, instead of taking legal and legitimate route to receive the cash, is said to have approached A1 to help him out of the situation, and A1 has approached A2/his friend and a deal appeared to have been made, by which, the defacto complainant paid a sum of Rs.36,00,000/-. As per the deal, A1 was to make arrangement with A2's brother, who is said to have be an IRS Officer. The defacto complainant is said to have paid a sum of Rs.21,00,000/- to A1's Bank account, Rs.15,00,000/- to A2's account and Rs.10,00,000/- in cash to A2. In all, A2/the present petitioner has received a sum of Rs.25,00,000/-. This arrangement with the accused person did not help the defacto complainant to get back his cash seized by Thalavadi Police. Hence, a complaint is lodged.

3. The learned counsel for the petitioner submitted that without prejudice his defence the petitioner will deposit a sum of Rs.20,00,000/- in Court and submitted that he is a victim of circumstances and the petitioner is not involved in this case.

4. Per contra, the learned Government Advocate (Crl.Side) submitted that an illegal deal is struck, wherein, the petitioner herein along with A1 have cheated the defacto complainant. Inasmuch as the petitioner has now undertaken to deposit a sum of Rs.20,00,000/- in Court.

5. Heard both sides.

6. Since the entire episode discloses the mercurial side of the work, this Court directs the Superintendent of Police, Erode to monitor the investigation of the entire case and also the case involving seized cash by Thalavadi Police personally. This Court deems it appropriate to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory 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-II, Erode, Erode 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 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 deposit a sum of Rs.20,00,000/- (Rupees Twenty lakhs only) to the credit of Cr.No.25 of 2019 before the Judicial Magistrate-II, Erode, without prejudice to his defence before the trial Court, within a period of three weeks from the date of receipt of a copy of this order.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of one week and thereafter, as and when required for interrogation.

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/12/2019

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 JUDICIAL MAGISTRATE,
NO.II, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POOLICE,
DISTRICT CRIME BRANCH,
ERODE,
ERODE DISTRICT.

+1CC to M/S.D.BENNINGTON Advocate on payment of necessary charges
SR.No.26135

CRL OP.33250/2019

Date :18/12/2019

cs 20/12/2019