

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9354 of 2019

Suresh,

... Petitioner/Accused No.1

Vs

State rep by
The Sub Inspector of Police,,
DCB Police Station,
Sivagangai District,
Sivagangai. (Cr.No.22 of 2019).

... Respondent/Complainant

For Petitioner : M/s.L.Chandrasekaran,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.22 of 2019 on the file of the respondent Police.

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, 409, 420, 120 (b), 294 (b) and 506 (ii) of IPC, Crime No.22 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner was appointed as agent for the Company Viz., Vision Club and AFC which belongs to the accused No.3. He further submitted that on 21.05.2019, the petitioner herein has lodged a complaint before the respondent police stating that on 18.05.2019, the defacto complainant and others have kidnapped the petitioner and obtained signature in blank stamped papers and for that the respondent also issued CSR No.258 of 2019. But, sofar, no action has been taken on the said complaint. He further submitted

that even as per the F.I.R, a sum of Rs.70,000,00/- was paid to the Bank accounts (SBI A/C 37991026629 and Axis Bank A/C 918020107311580) of the Company namely Vision Club and AFC. He further submitted that the defacto complainant has stated that a sum of Rs.25,00,000/- was paid in cash to the petitioner (A-1) and one Udhayakumar (A-2) directly and there is no proof for the same and only for the purpose of the case, the said allegation has been made. He further submitted that already A2 was granted anticipatory bail by this Court in CrI.OP(MD)No.9304 of 2019. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner (A-1) and one Udhayakumar (A-2) were working as agents under A-3 and they have made publicity and lured the public to invest the money by giving false promise that if any amount is deposited, double the amount will be returned within 100 days. Believing the said publicity, the defacto complainant had collected amount from several investors and deposited the same with the Company and also with the petitioner (A-1) and one Udhayakumar (A-2). He further submitted that total investment is Rs.95 lakhs. Investigation is still pending. Hence, he strongly opposed this petition. However, he fairly conceded that A-3 was arrested and remanded to judicial custody and nothing was recovered from him.

5.In the FIR, it is stated that the defacto complainant has collected amount from public and paid a sum of Rs.70 lakhs to the bank account of the Company. So, even as per F.I.R, Rs.70 laks was paid only to the account of the bank and not to the petitioner. Further, the defacto complainant has stated that a sum of Rs.25,00,000/- was paid in cash to the petitioner (A-1) and one Udhayakumar (A-2) directly, but he has not produced any proof for the same.

6.Taking into consideration of the aforesaid facts, also the fact that though the petitioner has already lodged a complaint before the respondent police, sofar, no action has been taken and also the fact that already A-3 was arrested and remanded to judicial custody and nothing was recovered from him and also the fact that already A2 was granted anticipatory bail by this Court in CrI.OP(MD) No.9304 of 2019, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

7. 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, No.I, Sivangangai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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:

<https://hcservices.ecourts.gov.in/hcservices/>

(1) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand

automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner 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 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/-
29/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI DISTRICT

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
DCB POLICE STATION, SIVAGANGAI DISTRICT,
SIVAGANGAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

1CC TO P.SURESH ADVOCATE SR.78279

ORDER
IN
CRL OP(MD) No.9354 of 2019
Date :29/07/2019