

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.823 of 2020

V.KRISHNA RAO

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE
SAIDAPET POLICE STATION,
CHENNAI-600 015.
CR.NO.504 OF 2019.

[RESPONDENT]

For Petitioner : M/S.G.MOHANA KRISHNAN Advocate

For Respondent : MR. C.IYYAPPARAJ, 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 Section 420 of IPC in Crime No.504 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner induced the defacto complainant for arranging loan for which he received Rs.5,60,000/- as processing fee and obtained cheques and other documents. Thereafter he neither secured loan or nor repaid the amount for which the defaco complainant filed a complaint.

3. The learned counsel for the petitioner submitted that the petitioner did not committed the said offence and a false case has been foisted against him. However, the learned counsel for the petitioner, on instructions, would submit that the petitioner to show his bona fide, is ready and willing to deposit a sum of Rs.5,00,000/- to the credit of crime number in Cr.No.504 of 2019 on the file of the IX Metropolitan Magistrate Court, Saidapet. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that investigation is pending.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following condition.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.504 of 2019 within a period of fifteen days from the date on which the order copy is made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned IX Metropolitan Magistrate Court, Saidapet, 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 dismissed and 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.5,00,000/- (Rupees five lakhs Only) to the credit of Crime No.504 of 2019 before the concerned Magistrate, within a period of fifteen days from the date on which the order copy made ready.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/01/2020

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.IX, SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
SAIDAPET POLICE STATION,
CHENNAI-600 015.

+1 CC to M/S.G.MOHANA KRISHNAN Advocate on payment of necessary charges SR.NO.1523

CRL OP.823/2020

सत्यमेव जयते Date : 27/01/2020

TA-31/01/2020

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