

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.1102 of 2020

1 GOPINATH
2 SUBRAMANI @ APPUSAMY

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
ERODE DISTRICT.
CRIME NO.8 OF 2020

[RESPONDENT]

For Petitioner : M/S.E.RADHA 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420, 406, 506(1) of I.P.C. in Crime No.8 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners cheated the defacto complainant with her jewels and also to the tune of Rs.4,00,000/-. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners have nothing to do with the alleged offence and a false case has been foisted against them. He further submitted that the petitioners are ready to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only), jointly, to the credit of crime No.8 of 2020 to show their bonafide and thereafter the said amount may be disbursed in favour of defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Public Prosecutor submitted that the petitioners cheated the defacto complainant with her jewels and also to the tune of Rs.4,00,000/- (Rupees four Lakhs only). He further submitted that the petitioners and defacto complainant are friends and misusing the same, the petitioners cheated the defacto complainant. Hence, opposed for grant of anticipatory bail to the

5. Considering the above facts and circumstances of the case and also of the fact that the petitioners are ready to deposit the amount, this Court is inclined to grant anticipatory bail to the petitioners subject to following conditions:

6. Accordingly, the petitioners are directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only), jointly, to the credit of crime No.8 of 2020, within a period of two weeks from the date on which the order copy made ready and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Bhavani, Erode District on condition that each of the petitioners 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 petitioners 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 petitioners shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only), jointly, to the credit of crime No.8 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready and same shall be disbursed in favour of the defacto complainant after obtaining proof affidavit.

[c] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[e] the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
24/01/2020

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 JUDICIAL MAGISTRATE,
BHAVANI, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
ERODE DISTRICT.

+1CC to M/S.E.RADHA KRISHNAN Advocate on payment of necessary charges SR NO.1541

CRL OP.1102/2020

MK:28/01/2020

Date :24/01/2020

WEB COPY