

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2124 of 2020

A.KESAVAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT
CRIME NO. 746/2019

[RESPONDENT]

For Petitioner : M/S. V.JANARTHANAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. 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 alleged offence under Sections 147, 148, 392, 397, 420, 506 II and 120(B) of IPC, in Crime No.746 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally 12 accused and the petitioner is arrayed as A7. A1 gave false assurance to the complainant and received some amount. Thereafter, all the accused together forcibly grabbed to the tune of Rs.78,80,000/- and they divided the amount among themselves, in which Rs.2.5 lakhs was paid to the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner on instruction would submit that the petitioner without prejudice ready to deposit Rs.2.5 lakhs. Further the said amount may be disburse to the defacto complainant. Further, he submitted that other accused granted anticipatory bail in CrI.O.P.No.32589/2019 before this Court.

4.The learned Additional Public Prosecutor would submit that investigation is pending and there is no previous case against the petitioner.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Perambalur 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 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 / Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b) the petitioner is directed to deposit Rs.2.5 lakhs to the credit of Crime No.746 of 2019 before the learned Judicial Magistrate, Perambalur. On such deposit being made, the learned Judicial Magistrate, Perambalur shall disburse a sum of Rs.2.5 lakhs to the defacto complainant directly within a period of two weeks from the date of deposit.

(c) the petitioner shall report before the respondent police 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

05/02/2020

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,
PERAMBALUR

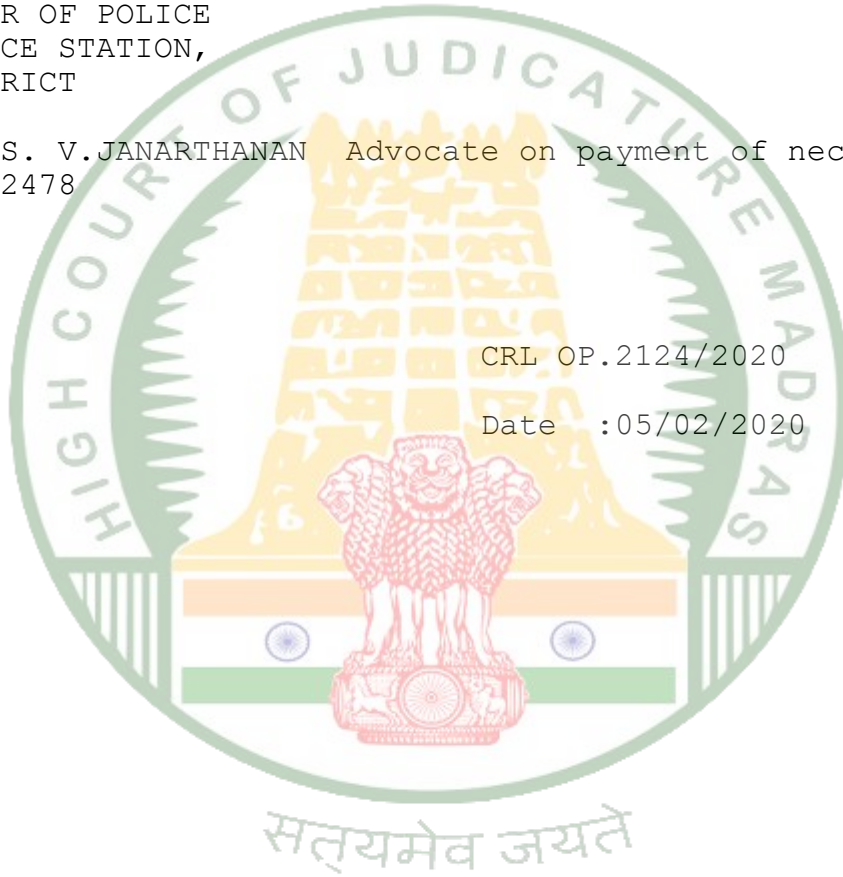
2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT

+1 CC to M/S. V.JANARTHANAN Advocate on payment of necessary
charges SR.NO. 2478

RD 12/02/2020



CRL OP.2124/2020

Date :05/02/2020

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