

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4592 of 2020

MANOJ DUBEY

[PETITIONER / ACCUSED]

Vs

STATE REP BY

THE INSPECTOR OF POLICE,
CCB-I, POLICE STATION,
VEPPAYRI, CHENNAI.
CRIME NO.34/2019

[RESPONDENT]

For Petitioner : M/S. P.SOUNDARARAJAN Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S J.WILLIAM SHAKESHERE Advocate

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 offences under Sections 406 and 420 of IPC, in Crime No.34 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and Mrs.Vero who lives in London are Facebook friends. She had induced the defacto complainant stating that there is a lucrative business opportunity of exporting veterinary medicines to London and thereby she had introduced one Agrove International Group based out of London as buyer and one NM Manufacturing company based at Surat as the manufacturer of veterinary drug making. The defacto complainant was induced to believe that the business is a lucrative one and thereby, he was made to part with the amount of Rs.4,04,23,000/- through various transactions for buying 250liters of Veterinary drug and later it was found that the entire purposed business was a scam, in which the defacto complainant was cheated. The petitioner is arrayed as A5 and the allegation against the petitioner is that the amount of Rs.15lakh was transferred to the account of the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A5 in this case. He would further submit that excepting that an amount of Rs.15lakh has been transferred to his account by his relative Anil Kumar Tiwari, he is not aware of the other transaction between the other accused. He would further submit

that the said Anil Kumar Tiwari is his relative and on his instructions the petitioners had received an amount of Rs.15lakh into his account and thereafter part amount was also re-transferred to the account of the said Anil Kumar Tiwari. The learned counsel would further submit that the petitioner is a businessman and permanent resident of Calcutta and he is prepared to deposit the balance amount of Rs.5lakhs which remains in his account and he is willing to deposit the amount to the credit of Cr.No.34 of 2019 and he is also prepared to furnish sufficient sureties to show his bonafides.

4. The learned Additional Public Prosecutor would submit that the petitioner is a member of gang which has cheated the defacto complainant, he would further submit that an amount of Rs.15lakh has been transferred to the petitioners firm Roop Enterprises through NEFT transaction on 10.10.2018 and as on date the amount of Rs.5lakh is remaining in his account, he would submit that investigation is pending and he would oppose for grant of anticipatory bail.

5. The learned counsel for the intervenor would submit that the petitioner along with other accused induced the defacto complainant to part with an amount of Rs.4crores in the guise of giving a lucrative business and they have cheated the petitioners.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined 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 Metropolitan Magistrate Court (CCB), Egmore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties out of which one should be a close relative surety, 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] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled

[c] the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.34 of 2019 and also deposit original title deeds of immovable property worth of Rs.25,00,000/- (Rupees Twenty Five lakhs only), to the credit of Crime No.34 of 2019, before the concerned Magistrate, within a period of two weeks from the date on which the order copy is made ready.

[d] the petitioner shall stay at Chennai and report before the learned Metropolitan Magistrate Court (CCB), Egmore, daily at 10.30a.m., and 5.30p.m., until further orders.

[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]; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/03/2020

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
COURT (CCB), EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB-1, POLICE STATION,
VEPPAYRI, CHENNAI.

CC to M/S. P.SOUNDARARAJAN Advocate on payment of necessary charges Sr.5234

CRL OP.4592/2020

Date :16/03/2020

RVR 19/05/2020