

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4947 of 2020

K. Srikandan,  
S/o. Krishhan,  
No.2/3, Sridevi Apartments,  
T-2, Trustpuram, 4<sup>th</sup> Cross Street,  
Kodambakkam,  
Chennai - 600 024.

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
G-3 Kilpauk Police Station,  
Chennai.  
(Crime No.43 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,  
praying to enlarge the petitioner on bail in the event of his arrest  
in Crime No.43 of 2020 on the file of the respondent police.

For Petitioner : Mr. Charles Alexander

For Intervenor : Mr. Illayaraja

For Respondent : Mr.M.Mohamed Riyaz,  
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 506(ii) of IPC and Section 67 of the Information Technology Act, in Crime No.43 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on the complaint lodged by one Vimal Chand alleging that the defacto complainant had acquainted with the petitioner in Indian Hindu Maha Saba. He introduced himself that he had contact with the Central Ministers' of India and that could arrange contract works in favour of the defacto complainant. He also had shown his photographs along with Central Ministers' of India. Believing the same, the defacto complainant so far has spent more than ten lakhs to the petitioner. Thereafter, the petitioner did not get any contract work in favour of the defacto complainant and as such when he demanded to return the amount, the petitioner posted the defacto complainant's photographs with other persons in the face book and other medias. Hence, the

complaint.

3. The learned counsel appearing for the petitioner would submit that one Niranjana had lodged a false complaint as against the petitioner and the same was registered in Crime No.1 of 2020 in which, the petitioner was granted anticipatory bail. Thereafter, on the instruction of the said Niranjana, the present complaint has been foisted against the petitioner and there is absolutely no evidence to prove the prima facie case against the petitioner as alleged in the FIR. He would further submit that no offence is made out under Section 67 of the Information Technology Act since, there is no evidence/material which are sexually explicit in electronic form and that there is absolutely no material to show that the petitioner abused the defacto complainant and also spread defamatory messages about the defacto complainant by using social media. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that to prove his bonafide, the petitioner is ready and willing to deposit some considerable amount to the credit of crime No.43 of 2020. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner introduced himself to the defacto complainant at Indian Hindu Maha Saba as if, he had contact with the Central Ministers' of India and through them he can get all the contract works and other benefits. Believing the same, the defacto complainant spent more than ten lakhs to the petitioner on various occasions by way of cash and jewels. After receipt of the same, the petitioner cheated the defacto complainant. When it was questioned by the defacto complainant, he had posted some defamatory messages and photographs of the defacto complainant in the social media and also posted in the electronic media. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. It is seen that the petitioner introduced himself to the defacto complainant as if, he has contact with the Central Minister's of India and received more than ten lakhs from the defacto complainant to get contract works and other benefits from the Central Government. Further allegation is that the petitioner had also taken away the car belonging to the defacto complainant and met with an accident and that all the expenditures were met by the defacto complainant. Now the learned counsel for the petitioner submits that the petitioner is ready and willing to deposit some considerable amount to the credit of crime number to show his bonafide.

6. Taking into consideration the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.7,50,000/- (Rupees Seven lakhs fifty thousand only) to the credit of Crime No.43 of 2020, within a period of four weeks from the date on which the order copy 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 XIV Metropolitan Magistrate Court, Egmore, Chennai, on condition that the petitioner

shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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.7,50,000/- (Rupees Seven lakhs fifty thousand only) to the credit of Crime No.43 of 2020, before the concerned Magistrate, within a period of four weeks 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 appear before the respondent police daily at 10.30 a.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].

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

-sd/-

25/06/2020

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.

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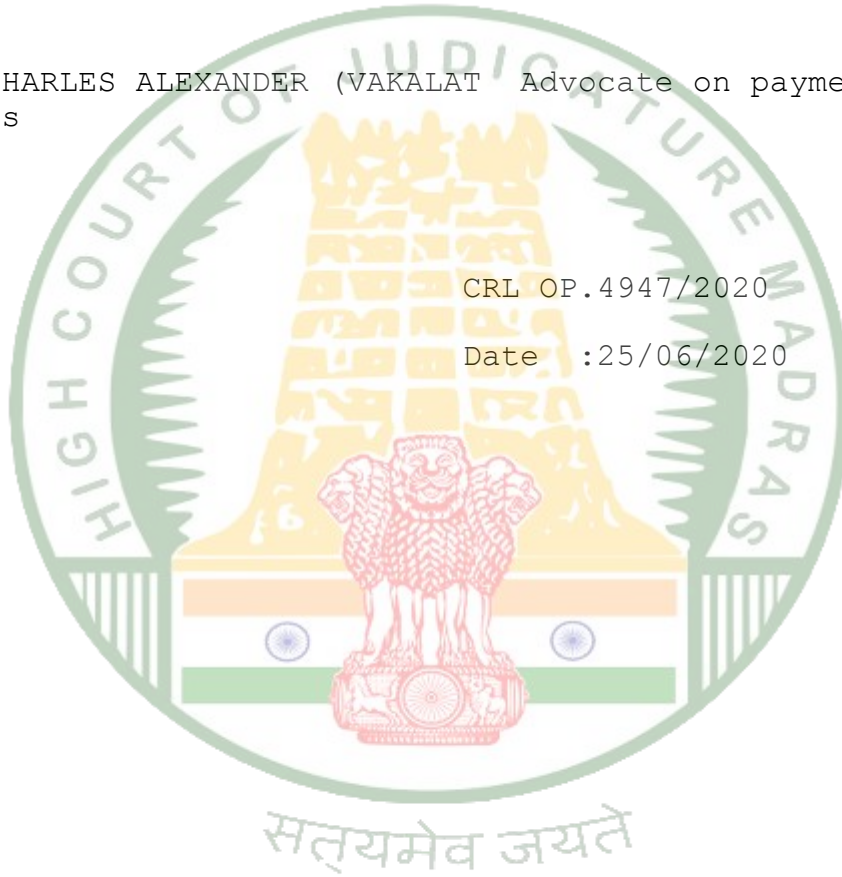
1 THE METROPOLITAN MAGISTRATE,  
COURT, NO.XIV, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE  
G-3, KILPAUK POLICE STATION,  
CHENNAI.

CC to M/S.CHARLES ALEXANDER (VAKALAT Advocate on payment of  
necessary charges

rd 22/07/2020



CRL OP.4947/2020

Date :25/06/2020

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