

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5034 of 2020

RAMESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
NANILAM POLICE STATION,
THIRUVARUR DISTRICT.
CR.NO.540/2019.

For Petitioner : M/S.T.MURUGANANTHAM Advocate

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

- 1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 294(b), 420 and 506(ii) of IPC in Cr.No.540 of 2019, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution arisen on the basis of the complaint given by the defacto complainant, Thambiah, are that the defacto complainant had given his ATM Card to the Petitioner/Accused to withdraw money from his account on his behalf and after withdrawing the money, he did not hand over the same and hence, the Petitioner has been implicated as an accused in the case on hand.
- 3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
- 4.According to the learned counsel for the Petitioner, the defacto complainant had given the ATM Card to two or three persons in the Village to withdraw money and those persons had misused the same. The Petitioner is in no way connected with the alleged offences and he has been falsely implicated in the case on hand. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail. Without prejudice to their defence, the Petitioner is prepared to deposit 50% of the amount claimed in the complaint.
- 5.On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that

the Petitioner, without the knowledge of the defacto complainant, had surreptitiously withdrawn the money from his account by using his ATM Card, but he did not account for the same and hence, anticipatory bail cannot be granted.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioner, however, on stringent conditions. Accordingly, the Petitioner is hereby ordered to be released on anticipatory bail, in the event of his arrest or on his appearance before the Judicial Magistrate, Nanilam, within 15 days from the date of receipt of a copy of this order and further on the Petitioner complying with the following conditions, without fail:-

i. If the Petitioner fails to surrender before the Judicial Magistrate, Nanilam, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.

ii. The Petitioner shall deposit a sum of Rs.35,000/- being the 50% of the amount claimed in the complaint, to the credit of Cr.No.540 of 2019, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the concerned Trial Court shall disburse the said amount to the defacto complainant, after giving notice to the parties concerned.

iii. 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 Judicial Magistrate, Nanilam. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

iv. The Petitioner shall report before the Respondent Police, daily at 10.30 a.m., until further orders.

v. The Petitioner shall not abscond either during the investigation or the trial. The Petitioner shall not tamper with evidence or witness, either during the investigation or the trial.

vi. On breach of any of the aforesaid conditions, the concerned 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 is released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala)**.

vii.If the Petitioner, thereafter, absconds, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-

04/03/2020

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 JUDICIAL MAGISTRATE,
NANILAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NANILAM POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO. 4478

CRL OP.5034/2020

Date :04/03/2020

RD 06/03/2020

WEB COPY