

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5502 of 2020

JOHN PETER

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
CCB, TEAM XXXII, CHENNAI,
VEPPERY, CHENNAI -600 007.
CRIME NO. 67/2015

For Petitioner : M/S. R.SAMPATH KUMAR Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL 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 offences punishable under Sections 406, 420 r/w 34 of IPC, in Crime No.67 of 2015, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Punitha is that the first accused/Josephin Rani and her husband were conducting chits from the year 2008. The petitioner is the husband of first accused/Josephin Rani who was working as a Sub Inspector of Police, the first accused had induced the de-facto complainant to joint the unauthorised chit and made her as a subscriber in several groups, later, they have obtained signatures in several blank papers and claimed a sum of Rs.40,00,000/- from her, when the de-facto complainant was unable to repay the amount, the accused jointly together abused her in filthy language. Further, they had cheated the de-facto complainant and also based on the signature obtained in blank papers, threatened the de-facto complainant to transfer the property in their name. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A2 in this case. He would further submit that the petitioner was working as a Sub Inspector of Police, there was a money dispute between the wife of the petitioner and the de-facto complainant, thereby the petitioner has been falsely implicated in this case. He would further submit that the petitioner's wife was

running a registered chit in the name of ''Madha Chit Services Private Limited'' during the year 2015. The de-facto complainant viz., Punitha @ Punithavalli had cheated the wife of the petitioner to the tune of Rs.20,00,000/- and the petitioner's wife had given a complaint, which was taken as C.S.R.No.6 of 2015. During enquiry, the de-facto complainant viz., Punitha had agreed to return the money. However, later given a false complaint against the petitioner and his wife, as if the petitioner's wife conducted the chits and obtained a signature from her in blank papers. He would further submit that earlier based on the complaint enquiry was conducted and the allegation of the defacto complainant were found to be false, later, the de-facto complainant had approached this Court and obtained direction in Crl.O.P.No.5055 of 2015 based on which, a case in Crime No.67 of 2015 had been registered against the petitioner. Further, on similar false complaint, the petitioners was arrested and he has come out on bail. Though, the case was registered during the year 2015 in Crime No.67 of 2015. The respondent did not arrest him and the petitioner was regularly appearing for enquiry. Further, A1 in this case has been granted bail by the Principal District and Sessions Judge, Chengalput in Crl.M.P.No.379 of 2020 dated 22.01.2020. He prays for granting anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and his wife by inducing the de-facto complainant made her as subscriber in several chits and cheated her to the tune of Rs.18,00,000/- and have also taken signatures from her in several blank papers. However, he would submit that A1 in this case has been arrested and she was released on bail by the Principal District and Sessions Judge, Chengalput.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy is made ready, before the learned Judicial Magistrate-I, Alandur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m., and 05.30 p.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

10/03/2020

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,
NO.I, ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB, TEAM XXXII, CHENNAI,
VEPPERY, CHENNAI - 600 007.

5 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, CHENGALPATTU

CC to M/S. R.SAMPATH KUMAR Advocate on payment of necessary charges SR.NO.4744

CRL OP.5502/2020

Date :10/03/2020

RVR 24/03/2020

<https://hcservices.ecourts.gov.in/hcservices/>