

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of June Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.7090 of 2020

A.FAYAZ BASHA

.. PETITIONER / ACCUSED

Vs

STATE REP. BY

.. RESPONDENT

INSPECTOR OF POLICE
KANDHILI POLICE STATION,
TIRUPATTUR DISTRICT.
CR.NO.86/2020

For Petitioner : M/S G.MOHAMMED ASEEF Advocate

For Respondent : M/S. 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 publishable under Sections 406, 417, 420 of IPC in Crime No.86 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused has cheated the defacto complainant to the tune of Rs.4,00,000/- on the pretext of arranging Visa. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner did not receive any money from the defacto complainant. Infact, the petitioner only referred the agent's name to the complainant. Apart from that, he is no way connected with the alleged offence. He further submitted that in order to show his bonafide, the petitioner is prepared to deposit a sum of Rs.1,00,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner in connivance with the other accused, has cheated the defacto complainant to the tune of Rs.4,00,000/-. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration, the facts and circumstances of the case and the fact that the petitioner has come forward to deposit a sum of Rs.1,00,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One lakh Only) to the credit of Crime No.86 of 2020 within a period of fifteen days 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 Judicial Magistrate-II, Tirupattur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety 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.1,00,000/- (Rupees One lakh Only) to the credit of Crime No.86 of 2020 before executing the bond.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at the conclusion of trial.

[d] the petitioner shall report before the respondent police as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
01/06/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KANDHILI POLICE STATION,
TIRUPATTUR DISTRICT.

CC to M/S G.MOHAMMED ASEEF Advocate on payment of necessary charges

CRL OP.7090/2020

Date :01/06/2020

cs 04/06/2020

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