

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7603 of 2020

P.Sathishkumar

... Petitioner

Vs.

State rep.by,
The Inspector of Police,
DCB, Namakkal District.
Crime No. 06 of 2020.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner on bail in respect of Crime No.06 of 2020 on the file of the Inspector of Police, DCB, Namakkal District.

For Petitioner : Mr.A.M.Natraj

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.02.2020 for the offence punishable under Sections 420, 294(b) and 506(1) of IPC, in Crime No.06 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant husband Mr.Kaliselvan is known to the petitioner through his friend and the said Mr.Kaliselvan used to refer matters to file before the High Court, Madras and he used to send writ petition, bail petition etc., the petitioner used to file the same with help of his friends and seniors and in such way the petitioner has got well acquaintance with the said Mr.Kalaiselvan from the year 2018 onwards. When that be so, the said Mr.Kalaiselvan for the reasons best known to him became hostile towards the petitioner and through his wife Kanimozhi has given a false complaint against the petitioner and his estranged wife Chandra, who is also practicing advocate in Madras High Court as if the petitioner and his wife enticed the defacto complainant and his husband Kaliselvan for getting job in Madras High Court for his son, who is alleged to have been completed B.E and was in search of a job and for getting job either as assistant or clerk in the Madras High Court, the petitioner and his wife had demanded a sum of RS.7,00,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that there is no relationship between the petitioner and the de-facto complainant and the petitioner was dealing with the husband of the de-facto complainant viz., Mr.Kalaiselvan as stated above. He would further submit that the de-facto complainant has falsely given the complaint before the Superintendent of Police, Namakkal against the petitioner and his estranged wife Chandra on 24.02.2020 and the same was forwarded to the respondent on 25.02.2020 by falsely alleging that the de-facto complainant had paid a sum of Rs.4,50,000/- to the petitioner. But the petitioner and his wife failed to get job for her son. The money sent towards sale property. The property was registered by the petitioner in favour of defacto complainant's Husband on 25.02.2020 in Document No.636 of 2020 in SRO, Musiri. The petitioner and his wife are not living together and the estranged wife of the petitioner had filed a divorce petition in O.P.No.3901 of 2018 on 19.09.2018, which is pending before VI Additional Family Judge, Chennai. Therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a practicing Advocate, had been collecting money for getting job in the High Court, Madras for various posts and the petitioner and his wife have cheated the de-facto complainant for a sum of Rs.7,00,000/-. He would further submit that the petitioner had only purchased the property and sale deed has been executed on 25.02.2020, which has to be verified. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the period of incarceration by the petitioner and also the he has come forward to deposit an amount of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020 Andhra Bank, Madhya Kailash Branch (SB A/C.No.149710011005477) and on such deposit, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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]**.

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

22/05/2020

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-I,
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DCB, NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

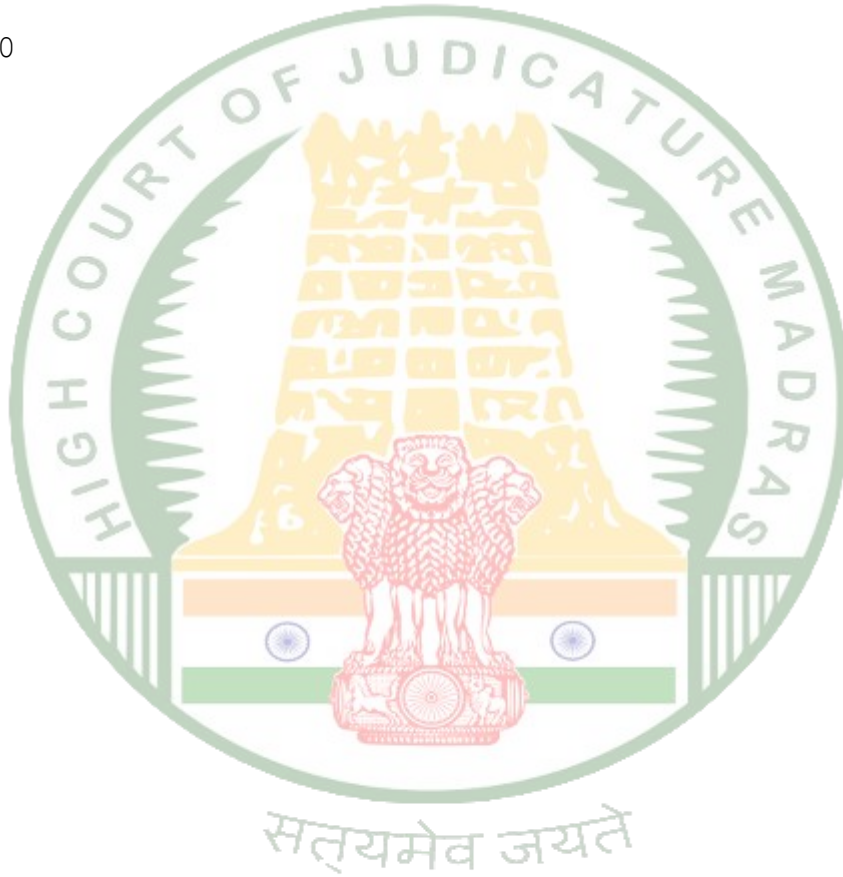
6 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE), ADYAR, CHENNAI -
600 020 ANDHRA BANK, MADHYA KAILASH BRANCH
(SB A/C.NO.149710011005477)

CC to M/S A.M.NATRAJ Advocate on payment of necessary charges

CRL OP.7603/2020

Date :22/05/2020

TA-16/09/2020



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