

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.8483 of 2020

Manikandan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
City Crime Branch,
Salem District.
Crime No.8 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.8 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

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 420 and
506(i) of I.P.C in Crime No.8 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons are
running a Jewellery shop in the name and style of Shri Mahalakshmi
Jewellers at Salem and the defacto complainant invested a sum of
Rs.1,00,00,000/- in a gold scheme to get profit from the business.
Thereafter, the petitioner failed to pay the profit as well the sum
received from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is the brother in law of of the A1 and he has no
connection with the shop run by A1. The overt act attribute as
against the petitioner is he intimated the defacto complainant. The
petitioner has been implicated for the reason that he is the brother
in law of A1. Therefore, he prays to grant anticipatory bail to the
petitioner.

4. The learned Additional Public Prosecutor would submit that A1 and his wife/A2 both of them are running a Jewellery shop in the name and style of Shri Mahalakshmi Jewellers at Salem. The defacto complainant invested a sum of Rs.1,00,00,000(Rupees One Crore Only) with the accused persons to earn profit but the A1 cheated the defacto complainant and refused to return back the money. The petitioner/A5 has also involved in the present case. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit original title deeds stands in his name or his friends name or his relatives name, not less than the value of Rs.20,00,000/- (Rupees twenty lakhs only) along with the proper valuation certificate obtained from the authority concerned to the credit of Crime No.8 of 2020 on the file of the respondent within a period of 2 weeks from the date on which the order copy made ready. Accordingly, on such deposit being made, 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 made ready, before the learned Judicial Magistrate-III, Salem 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 Original title deeds not less than Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of Crime No.8 of 2020, before the concerned Magistrate, within a period of two 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 report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter 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/s in accordance with law as if the conditions have been imposed and the petitioner/s 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

29/06/2020

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.III, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
SALEM DISTRICT.

CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary charges

WEB COPY

CRL OP.8483/2020

Date :29/06/2020

cs 24/07/2020