

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8811 of 2020

K. Ravikumar
S/o Kuppuraj,
No.149 – A, 1st Floor,
Opposite to Thiyarabath Bhavan,
Shankar Nagar,
Salem – 636 007.

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Central Crime Branch,
Salem City, 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.R.Jaya Prakash
For Respondent	: Mr.M.Mohamed Riyaz, Additional Public Prosecutor



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ORDER

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 and the defacto complainant are close friends and out of their friendship, the petitioner obtained loan for his gold business transaction and also repaid the same along with huge interest. At this juncture the defacto complainant expressed his willingness to invest amount in trading business in the share market with the petitioner. Thereafter, there

was a huge loss in the commodity market business. In fact, the defacto complainant contacted the petitioner and received the total money invested by him. However, the defacto complainant lodged the present false complaint. He would further submit that the petitioner is ready and willing to deposit title deeds to the value of Rs.2,00,00,000/- (Rupees two crores only). Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant invested a sum of Rs.1,00,00,000/- (One Crore Only) with the petitioner for his business purpose. Thereafter, his entire amount was cheated by the petitioner and he refused to return back the money and also threatened the defacto complainant with dire consequences. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner is A1 and his wife is A2 and 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 petitioner/A1 cheated the defacto complainant and refused to return back the money received by 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 deed stands in his name or his friends name or his relatives name, not less than the value of Rs.2,00,000,00/- (Rupees two crores 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 two weeks from the date on which the order copy made ready and 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 stands in his name or his friends name or his relatives name, not less than Rs.2,00,00,000/- (Rupees Two crores 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. from 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.

26.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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To

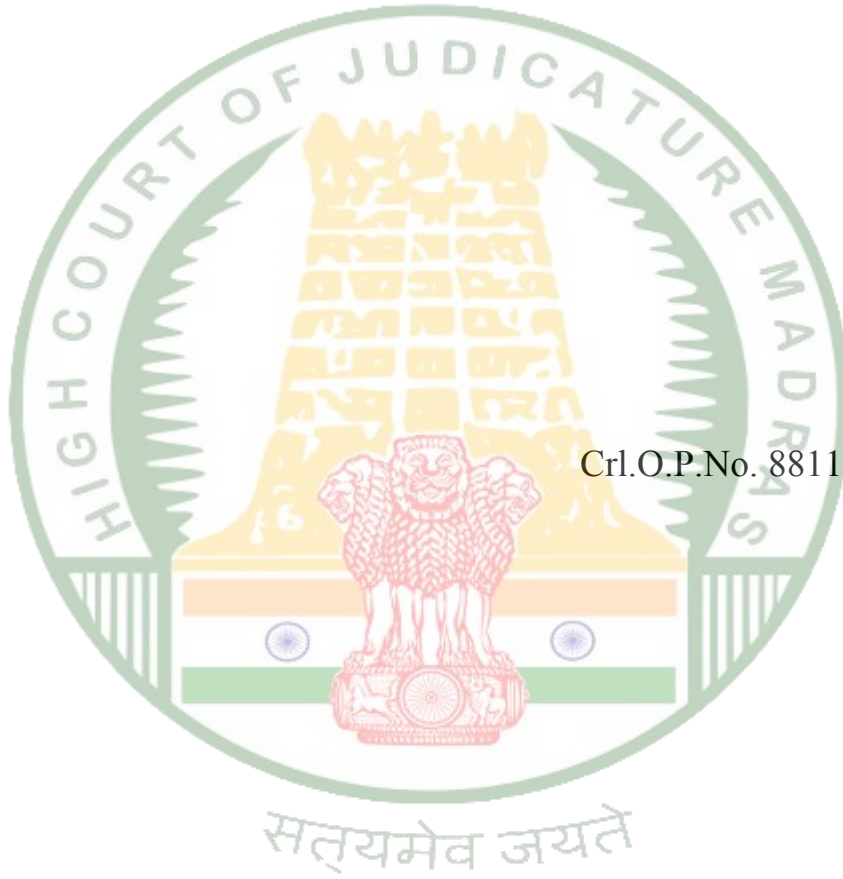
1. The Inspector of Police,
Central Crime Branch,
Salem City, Salem District.
2. The learned Judicial Magistrate-III,
Salem.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J

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