

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9457 of 2020

1.G.Saravanan
2.M.V.Mahadevan
3.C.Ravikumar

... Petitioners

-Vs-

Inspector of Police,
F-4, Thousand lights Police Station,
Greams Road, Chennai - 600 006.
Crime No.236/2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying enlarge the Petitioners on bail in the event of their arrest
in connection with Crime No: 236 of 2020 on the file of the Inspector
of Police, F-4, Thousand lights Police Station, Greams Road, Chennai

For Petitioner : Mr.K.Thangaraju

For Respondent/s : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 420 &
406 I.P.C, registered in Crime No:236 of 2020 on the file of the
respondent seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant
invested a sum of Rs.10,00,000/- with the petitioners' Merido
Consultancy Services (P) Ltd herein. The Petitioners ensured to
repay a sum of Rs.70,000/- for interest and Rs.70,000/- for the
original amount per month to the defacto complainant. Thereafter, he
received Rs.5,60,000/- only for four months and thereby the defacto
complainant cheated the remaining amount and also failed to pay the
interest for the subsequent months.

3. The learned counsel for the petitioners would submit that so
far the petitioners repaid a sum of Rs.5,60,000/- and they are ready
to settle the remaining amounts to the defacto complainant.

4. The learned Additional Public Prosecutor would submit that
the defacto complainant deposited a sum of Rs.10,00,000/- with the
petitioners for interest at the rate of Rs.70,000/- per month. But he

received only four months interest and the petitioners failed to pay the interest for the remaining months. Hence the defacto complainant filed a complainant before the respondent police.

5. From the above facts and circumstances of the case, it is seen that the defacto complainant deposited a sum of Rs.10,00,000/- for the interest at the rate of Rs.70,000/- per month. Now the defacto complainant repaid a sum of Rs.5,60,000/- and the petitioners are ready and willing to repay the remaining amounts to the defacto complainant.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to repay a sum of Rs.4,40,000/- (Rupees Four Lakhs Forty Thousand only) to the defacto complainant within a period of four (4) weeks from the date on which the order copy made ready, and thereafter the defacto complainant is directed to issue receipt for the same. On such repayment and production of receipt before the the learned XIV Metropolitan Magistrate, Egmore, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned XIV Metropolitan Magistrate, Egmore on condition that each of the petitioners shall execute separate 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 condition that:

[a] the petitioners 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 petitioners are directed to repay a sum of Rs.4,40,000/- (Rupees Four Lakhs Forty Thousand only) to the defacto complainant within a period of four (4) weeks from the date on which the order copy made ready, and thereafter the defacto complainant is directed to issue receipt for the same. The said receipt shall be produced before the XIV Metropolitan Magistrate, Egmore.

[c] The petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

-sd/-

26/06/2020

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 XIV METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE
F-4, THOUSAND LIGHTS POLICE STATION,
GREAMS ROAD, CHENNAI-600 006.

CC to M/S.K.THANGARASU Advocate on payment of necessary charges

CRL OP.9457/2020

Date :26/06/2020

RVR 20/07/2020

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