

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9767 of 2020

1. G. Poongodi
2. P. Suseendar

... Petitioners

Vs.

State Rep. by
Inspector of Police,
District Crime Branch,
Cuddalore
(Crime No. 8 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest concerned in Crime Number 8 of 2020 on the file of the Inspector of Police, District Crime Branch, Cuddalore.

For Petitioners : Mr.D.S. Thirumavalavan

For Respondent : 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 alleged offences punishable under Sections 465, 466, 468, 471, 420 and 506(i) of I.P.C on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons have borrowed a sum of Rs.32,80,000/- (Rupees Thirty two lakhs eighty thousand only) from 9 victims to secure employment as Office Assistant in Government Hospital through his uncle Selvanatarajan. Thereafter the petitioners have failed to secure any job and also refuse to return back the amount to the victims. Hence the complaint.

3. The learned counsel for the petitioners would submit that there are three accused persons in this case, in which, first accused is the husband of the second accused. After the marriage of the first and second accused some misunderstanding between the first and second accused. Therefore, the first petitioner got separate from the first accused and living as such. The first accused only has received a sum of Rs.32,80,000/- (Rupees Thirty two lakhs eighty thousand only) to

secure job to the victims and thereafter failed to secure any job and also failed to return back the amount to the victims. However, the first petitioner is being the wife of the first accused and the second petitioner is being the son-in-law of the 1st petitioner, they are ready to deposit the title deed to the said crime number to show their bonafide. The learned counsel for the petitioners further submitted that the first accused was arrested and subsequently released on bail. Hence he prays to grant anticipatory bail to the petitioners.

4. Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor submitted that there are totally three accused in which the petitioners are arrayed as A2 and A3 and they were joined together and have collected the amount of Rs.32,80,000/- (Rupees Thirty two lakhs eighty thousand only) from the 9 victims to secure job as Office Assistant in the Government Hospital and thereafter failed to secure any job and also failed to return back the amount to the victims. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances and the petitioners are ready to deposit the title deeds, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit the original title deeds stands in their names not less than the value of Rs.15,00,000/- (Rupees fifteen lakhs only) along with proper valuation certificate obtained from the concerned authority within a period of two weeks from the date on which the order copy made ready and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned District Munsif cum Judicial Magistrate Court, Kattumannarkoil, Cuddalore District, on condition that each of the petitioners shall execute a 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 deposit the title deed stands in their names not less than the value of Rs.15,00,000/- (Rupees fifteen lakhs only) along with proper valuation certificate obtained from the concerned authority, before the Court below.

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

[d] the first petitioner shall report before the respondent police as and when required for interrogation and the second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four 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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
02/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KATTUMANNARKOIL, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, CUDDALORE.

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

CRL OP.9767/2020

Date : 02/07/2020