

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10076 of 2020

M.Balamanikandan

... Petitioner

-Vs-

The State represented by its
Inspector of Police,
Central Crime Branch,
Salem City Police Station, Salem.
(Crime No.8/2020)

... 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 : M/s.S.Jeyakumar

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 420 r/w
506 (ii) of I.P.C. in Crime No. 8 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that A-1 Ravikumar is the
owner of Sri Mahalakshmi Jewellers at Salem and A-2 Kandalakshmi is
the wife of A-1. The defacto complainant is the friend of A-1. During
the course of such relationship, A-1 had given false promise to the
defacto complainant that he will return huge amount in double to him.
Hence, the defacto complainant gave totally a sum of Rs.1,00,00,000/-
to A-1 on various dates since 31.08.2018 till 09.04.2020. When the
defacto complainant demanded to return the amount, he was criminally
intimidated by A-1 along with other accused persons. Hence, the
present complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is arrayed as[*] A-4 and there is no specific overtact
attributed against the petitioner. He would further submit that A-1
Ravikumar and A3 Gangadharan were already released on bail by this
Court in Crl.O.P.8811 of 2020 dated 17.06.2020 and Crl.O.P. No.8921
of 2020 dated 19.06.2020 respectively. A2 Kandalakshmi was also
released on bail. He would also submit that the petitioner was
working as a paid employee in the jewellery shop owned by A-1
Ravikumar. Hence, the petitioner is innocent of the offences alleged
against the petitioner and he has nothing to do with the alleged

money transactions between A-1 and the defacto complainant. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that defacto complainant had invested a sum of Rs.1,00,00,000/- (Rupees one crore only) with the 1st accused for his business purpose. Thereafter, his entire amount was cheated by the 1st accused and he refused to return back the amount and also threatened the defacto complainant with dire consequences. The petitioner was the paid employee in the jewellery shop owned by the 1st accused. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the 1st and 2nd accused 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 1st accused cheated the defacto complainant and refused to return back the money to him.

6. 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.50,00,000/- (Rupees fifty 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 four 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, 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 deed stands in his name or his friends name or his relatives name, not less than the value of Rs.50,00,000/- (Rupees fifty lakhs only) along with the proper valuation certificate obtained from the authority concerned to the credit of Crime No.8 of 2020 before the concerned Magistrate.

[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 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.

[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 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/-

03/07/2020

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.

[*]Amended as per the order of this court dated 30/07/2020 made in CRL.MP.NO.4526/2020 IN CRL.OP.NO.10076/2020.

TO

1 THE JUDICIAL MAGISTRATE-III,
SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
SALEM CITY POLICE STATION, SALEM.

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

CRL OP.10076/2020

Date :03/07/2020

GKS(RD):12/08/2020
RD 04/09/2020