

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10154 of 2020

R.Ashokan

... Petitioner

Vs.

State Rep by

The Inspector of Police,
Thiruchengodu Town Police Station,
Thiruchengodu Namakkal District.
(Crime No.583 of 2019)

... 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.583 of 2019 on the file of the respondent police.

For Petitioner : Mr.T.Balaji

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

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(B) and 506(2) of IPC, in Crime No.583 of 2019 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons have on the false promise of arranging loan induced and received a sum of Rs.55,00,000/- from the de-facto complainant as advance money and cheated him. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that without prejudice to his defence, he is prepared to deposit some property document to show his bonafide. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons have on the false promise of arranging loan, induced the defacto complainant and received a sum of Rs.55,00,000/- from the de-

facto complainant and cheated him. He would further submit that A1 has been arrested, later he was released on bail. The petitioner is the person who has introduced the defacto complainant to A2. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit an immovable property document stands in his name or in the name of his relatives/friends worth about Rs.10,00,000/- (Rupees Ten Lakhs Only) to the credit of Crime No.583 of 2019, within a period of four weeks from the date of lifting of lockdown and commencement of Court's normal functioning and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thiruchengodu, on condition that the petitioner shall execute a 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 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 the immovable property document stands in his name or in the name of his relatives/friends worth about Rs.10,00,000/- (Rupees Ten Lakhs Only) to the credit of Crime No.583 of 2019, within a period of four weeks from the date of lifting of lockdown and commencement of Court's normal functioning, whichever is earlier, failing which the anticipatory bail granted by this Court shall stand dismissed automatically.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter every Monday at 10.30 a.m., until further orders.

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

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

[f] On breach of any of the aforesaid conditions, the

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]**.

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

-sd/-
07/07/2020

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 JUDICIAL MAGISTRATE,
THIRUCHENGODU

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUCHENGODU TOWN POLICE STATION,
THIRUCHENGODU,
NAMAKKAL DISTRICT.

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

CRL OP.10154/2020

Date :07/07/2020

GKS (CS) :12/08/2020