



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.10244 of 2020

T. Anbarasu

... Petitioner/A1

..Vs..

The State rep. by
Inspector of police,
District Crime Branch,
Krishnagiri District.
(Crime No.3 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, seeking to enlarge the petitioner on Anticipatory bail in the event of his arrest in connection with Crime No.3 of 2020 on the file of the respondent police.

For Petitioner : Mr.G. Mohammed Aseef

For Respondent : Mr.Hari Arumugam
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 419, 420, 468, 471 and 120(B) of IPC in Crime No.3 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. This Court dismissed the earlier Anticipatory Bail Petition filed by the petitioner by an order dated 08.06.2020. This is the second Anticipatory Bail Petition filed by the petitioner.

3. This Court passed the following order on 14.07.2020.

"The learned counsel for the petitioner and the learned Government Advocate submitted that notice under Section 41(A) of Cr.P.C. has already been issued to the petitioner. The learned Government Advocate submitted that the petitioner has not co-operated for the enquiry. The learned counsel for the petitioner submitted that the petitioner will appear before the respondent.



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2. The petitioner is directed to appear before the respondent on 17.07.2020 at 10.30 a.m. The petitioner shall continue to appear before the respondent as and when called for enquiry and shall co-operate for the enquiry.

3. Post this case on 24.07.2020 for passing further orders. "

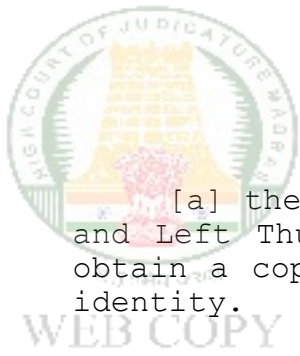
4. When the matter was taken up for hearing, it was reported that the petitioner appeared before the respondent police as and when called for enquiry and a status report was also filed.

5. The learned counsel for the petitioner submitted that the Anticipatory Bail Petition filed by A2 was ordered by this Court and a condition was imposed on A2 to furnish security to the tune of Rs.50,00,000/- and this condition was also complied with by A2. The learned counsel requested this Court to take into consideration this change in circumstance and also the fact that the petitioner cooperated at the time of investigation as and when called by the respondent police. The learned counsel submitted that the petitioner will comply with any other conditions imposed by this Court.

6. The learned Government Advocate appearing on behalf of the respondent submitted that the total amount involved is Rs.66,33,770/-. The learned counsel further submitted that the petitioner must also be directed to furnish immovable property security, if this Court is going to consider granting anticipatory bail to the petitioner.

7. Taking into consideration the facts and circumstances and also the fact that A2 has already been granted anticipatory bail and the petitioner has also cooperated at the time of enquiry, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions:-

The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non refundable deposit to the credit of the Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157) and on such deposit, 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 is made ready, before the learned Judicial Magistrate No.II, Krishnagiri, on condition that the petitioner 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 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 furnish immovable property security to the tune of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) by depositing the original documents to the satisfaction of the learned Judicial Magistrate No.II, Krishnagiri.

[c] the petitioner shall appear before the respondent police every Friday 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 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].

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

-sd/-
11/09/2020

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,
NO.II, KRISHNAGIRI.

2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KRISHNAGIRI DISTRICT.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157)

CC to M/S. G.MOHAMMED ASEEF Advocate on payment of necessary
charges

CRL OP.10244/2020

Date :11/09/2020

cs 16/09/2020