

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12020 of 2020

Mathi @ Mathiyalakagan

... Petitioner

Vs.

The State rep by
The Inspector of Police,
CCB Team - 1,
Vepery,
Chennai District,
Cr.No.315 of 2018

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No.315 of 2018 on the file of the respondent police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.M.Mohammad Riyaz
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506 (ii) IPC, in Crime No.315 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused Paneer Selvam on the assurance of getting loan had received an amount of Rs.50,00,000/- from the defacto complainant and the petitioner was stated to be present there when the amount was handedover. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that A1 Paneer Selvam is running a financial company and the petitioner was employed under Paneer Selvam and other than that he has nothing to do with the case. He would also submit that A1 Paneer selvam was arrested and thereafter detained under Act 14 and he was also

later released on bail. He would further submit that the wife of Paneer selvam was granted anticipatory bail in CrI.O.P.No.24651 of 2018 and yet another co-accused, the associate of Paneer Selvam was also granted anticipatory bail in CrI.O.P.No.27098 of 2019. He would submit that the petitioner is ready to appear before the respondent for investigation and abide by any stringent conditions that is imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is an associate of A1 and A1 on the assurance of getting loans cheated several persons and also taken Rs.50,00,000/- from the defacto complainant. He would submit that A1 Paneer Selvam was arrested and detained under Act 14 and thereafter released on bail. He also submitted that there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there are no previous cases pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Special Court for exclusive trial for CBCID and CCB cases magistrate level, Egmore, Chennai, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 report before the respondent daily at 10.30 a.m. until further orders.

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

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

[e] 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].

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/09/2020

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 SPECIAL COURT FOR EXCLUSIVE TRIAL
FOR CBCID AND CCB CASES MAGISTRATE LEVEL,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
MADRAS HIGH COURT, CHENNAI.

3 THE INSPECTOR OF POLICE,
CCB TEAM-1, VEPERY,
CHENNAI DISTRICT.

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

CRL OP.12020/2020

Date : 04/09/2020

MK:17/09/2020