



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.11753 of 2020

R.Yoganathan

... Petitioner/Accused No.2

Vs.

The State rep. by

The Inspector of Police,

T4, Maduravoyal Police Station, Chennai.

(Crime No. 611 of 2019)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Crime No. 611 of 2019 pending on the file of respondent police.

For Petitioner : Mr. S.Sathish Rajan

For Respondent : Mr. V.Sharada Devi

Government Advocate

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 406 and 506(ii) of IPC, in Crime No. 611 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The earlier bail application was dismissed by this Court on 26.09.2019. The allegation against the petitioner was that he along with his own mother-in-law, had opened a Chit Fund and it is stated that they had cheated a sum of Rs.9,50,000/-. It is under these circumstances that the First Information Report had been registered under Sections 294(b), 406, 420 and 506(ii) of IPC in Cr.No. 611 of 2019 by the respondent police.

3. The change in circumstance from the date of dismissal on the earlier occasion is that the first accused had been granted anticipatory bail in CrI.O.P.No. 9922 of 2020 by order dated 02.07.2020. A direction had also been issued that the first accused should deposit title deed with respect to a property of not less than Rs.25/- lakhs. I hold that the said amount would also be sufficient security in so far as this petitioner is concerned, since the total amount said to have involved is Rs.9,50,000/- out of which a sum of



4. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Ponamallee, 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 his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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.

-sd/-
21/08/2020

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, PONAMALLEE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
T4, MADURAVOYAL POLICE STATION,
CHENNAI,

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

CRL OP.11753/2020

Date :21/08/2020

RD 04/09/2020