

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.11516 of 2020

K.Anandhan

... Petitioner

Vs.

The state by: The Inspector of Police Respondent
Walajapet Police Station
Vellore District
(Crime No.683 of 2020)

PRAYER: Criminal Original Petition is under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.683 of 2020, on the file of the respondent police station.

For Petitioner : Mr.P.K.Ilavarasan
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.06.2020, for the offences punishable under Section 420 IPC @ 120(B) & 420 IPC, in Crime No.683 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant is that the the petitioner induced him by saying that if he gives an amount of Rs.20,00,000/- (Rupees Twenty Lakhs only) in the denomination of Rs.500/- and Rs.2000/- notes, they would return Rs.26,00,000/- (Rupees Twenty Six Lakhs only) by way of Rs.100/- denomination notes, believing the words of the petitioner, the defacto complainant had arranged the money and at the time of handing over the same, the other accused persons posing themselves as police and came to the place of occurrence in Sumo vehicle and have taken the amount of Rs.20,00,000/- from the defacto complainant and escaped from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that it is a case of money dispute, which has been falsely projected as a case of cheating. He would further submit that the petitioner is in judicial custody for more than 54 days.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are totally ten accused in this case and in this case A2, A6, A7, A8, A9 & A10 were arrested. He further submitted that the petitioner along with other accused persons have induced the defacto complainant to arrange a sum of Rs.20,00,000/- by way of denominations in Rs.500/-, Rs.2,000/-, on the premise of returning Rs.26,00,000/- in return and at the time of handing over the money, the accused persons have posed themselves as policemen and took away the money. He would further submit that the offence has been committed in a planned manner and that though the accused have been arrested, the respondent police are unable to recover even a single rupee from the accused. Hence, he vehemently opposed to grant bail to the petitioner.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and period of incarceration suffered by the petitioner and the co-accused in this case has been granted bail vide order dated 28.07.2020 in Crl.O.P.No.11234 of 2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a)Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b)the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the Judicial Magistrate Court No.II at Walajapet, **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, failing which the bail granted by this Court shall stand dismissed automatically;

(c)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

(d)**the petitioner shall on his release from prison, report before the respondent police everyday at 10.30 a.m. until further orders.**

(e)the petitioner shall not commit any offences of similar nature;

(f)the petitioner shall not abscond either during investigation or trial.

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
14/08/2020

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 COURT
NO.II, WALAJAPET

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE

CC to M/S.P.K.ILAVARASAN Advocate on payment of necessary charges

CRL OP.11516/2020

Date :14/08/2020