

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12852 of 2020

1.Pandi Murugan
2.Mohammed Uvais

.. Petitioners

Vs.

State of Tamil Nadu, rep. by
The Inspector of Police,
S-14, Peerkankaranai Police Station
Perunkalathur
Chennai
(Crime No.1147/2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners/Accused-1&2 on bail in the event of their arrest in Crime No.1147 of 2020 pending on the file of the Inspector of Police, S-14, Peerkankaranai Police Station, Perunkalathur, Chennai.

For Petitioner : Mr. Vimal B.Crimson

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 420 of IPC in Crime No.1147 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Gopalakrishnan is that the accused along with their friend had borrowed a sum of Rs.7,50,000/- from the de-facto complainant and thereafter, not repaid the amount. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the it is a case of financial transaction which has been given a criminal colour . It is true that the petitioners have borrowed some amount and repaid part amount. Due to Covid-19, they were not able to repay the amount. Based on the Court's direction, a case has been registered against them. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with others had borrowed a sum of Rs.7,50,000/- from the defacto complainant and thereafter, cheated him.

5. The learned counsel for the petitioners would submit as per the accused, an amount of Rs, 1,70,000/- remains to be paid. However, without prejudice to their defence, each of the petitioners are prepared to pay an amount of Rs.50,000/- each to the defacto complainant within a period of four weeks.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Each of the petitioners shall pay an amount of Rs.50,000/- (Rupees Fifty thousand only) to the defacto complainant, within a period of four weeks from the date of receipt of a copy of this order, either by way of demand draft or cash and produce the copy of demand draft or cash receipt before the concerned Magistrate and on such payment, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Tambaram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] Each of the petitioners shall pay an amount of Rs.50,000/- (Rupees fifty thousand only) to the de-facto complainant either by way of demand draft or cash and produce the copy of demand draft or cash receipt before the concerned Magistrate.

[d] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned 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].

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

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

-sd/-

24/08/2020

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.I, TAMBARAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
S-14 PEERKANKARANAI POLICE STATION,
PERUNKALATHUR, CHENNAI.

CC to M/S. M.VIMAL BOBBY CRIMSON Advocate on payment of
necessary charges

CRL OP.12852/2020

Date :24/08/2020

cs 10/09/2020