

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13244 of 2020

Manoj Kumar

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Gummidipoondi Police Station,
Thiruvallur District.
Crime No.1885 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.1885 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

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), 417, 420, 506(1) of IPC in Crime No.1885 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Aravind Prakash is that the petitioner on a false promise, had induced the defacto complainant to invest in the Vihaan Direct Selling Private limited and on believing the petitioner, had invested a sum of Rs.2,02,000/- and the petitioner received commission for a sum of Rs.20,000/- from the company and thereafter cheated him.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.He would further submit that

a false case has been foisted against him. He would also submit that the petitioner had advised the defacto complainant to invest the money in the Vihaan Direct Selling Private limited and the said company had not repaid the money invested and the petitioner is only an agent. He would further submit that as per the complainant, it is stated that the petitioner had refunded a sum of Rs.20,000/- which was received as commission from the defacto complainant. He would also submit that without his prejudice, to show his bonafide he is willing to deposit a original title deed of document worth Rs.2 lakhs.

4. The learned Additional Public Prosecutor would submit that that the petitioner induced the defacto complainant to deposit a sum of Rs.2 lakhs to get high returns from the company and the company gave a sum of Rs.20,000/- as commission to the petitioner and thereafter, the company failed to return the invested money and they have cheated the defacto complainant.

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

6. Accordingly, the petitioner shall deposit a original title deed of document worth of Rs.2 lakhs, to the credit of Crime No.1885 of 2020, within a period of two weeks from the date on which the order copy made ready, and on such deposit, the petitioner is directed 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 District Munsiff cum Judicial Magistrate, Gummidipoondi**, 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 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.**

[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]***.

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

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

-sd/-
16/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMIDIPOONDI

2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
GUMMIDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.

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

CRL OP.13244/2020

Date :16/09/2020

GKS:24/09/2020