

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.13500 of 2020

1.R.Shankar  
S/o.Raman @ Ramasamy

2.Mahalakshmi  
W/o.R.Shankar

3.Raman @ Ramasamy  
S/o.Angamuthu

.... Petitioners

Vs.

The State Represented by,  
The Inspector of Police,  
Attur Town Police Station,  
Salem District.

Crime No.545 of 2020.

....Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.545 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.B.Vasudevan

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

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 506(1) of IPC in Crime No.545 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sivakumar is that taking advantage of the acquaintance, the petitioners have induced the defacto complainant's wife and received an amount of Rs.3,60,000/- on 08.03.2017 and Rs.1,20,000/- on 22.01.2018 and also jewels weighing 21.72 sovereigns and cheated. When the defacto complainant had asked for return of the cash and

jewels the petitioners have threatened him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against them. He would further submit that the case of money dispute has been projected as the case of cheating. He would submit that there was some business dealings between the first petitioner and the defacto complainant whereas, members in the entire family have been unnecessarily roped up in this case. He would further submit that the 2<sup>nd</sup> petitioner is a Government School teacher and the 3<sup>rd</sup> petitioner is the father of the 1<sup>st</sup> petitioner. He would submit that it is purely a case of money dispute and the 3<sup>rd</sup> petitioner without prejudice to his defence, is prepared to deposit the title deed of the house where he is residing namely 40/57, J, Bharathiar Steet, Attur, Salem District and the value of the property is more than 15 lakhs.

4. The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant are family friends, by taking advantage of the said relationship, the petitioners have induced the wife of the defacto complainant and taken a sum of Rs.4,80,000/- and jewels weighing 21.72 sovereigns and thereafter, they have cheated the defacto complainant.

5. Taking into consideration the facts and submissions of the learned Counsels, this Court is not inclined to grant anticipatory bail to A1. Hence, this petition is dismissed in so far as A1 is concerned. However, considering the submissions of the learned counsels that the 3<sup>rd</sup> petitioner is prepared to deposit the original title deed and the 2<sup>nd</sup> petitioner is a Government School teacher, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3/ A2 & A3 subject to the following conditions;

6. Accordingly, the petitioners shall jointly deposit the original title deed of the property at No.40/57, J, Bharathiar Steet, Attur, Salem District to the credit of Crime No.545 of 2020, within a period of two weeks from the date on which the order copy made ready, and on such deposit, the petitioners/A2 & A3 are directed to be released on bail in the event of arrest or on their 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.I, Attur, Salem District, on condition that the petitioners 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 petitioners/A2 & A3 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/ A3 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/ A2 shall report before the respondent Police on every Saturday and Sunday at 10.30 a.m., until further orders.

[d] the petitioners/A2 & A3 shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners/A2 & A3 shall not abscond either during investigation or trial.

[f] 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].

[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/-

09/09/2020

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 JUDICIAL MAGISTRATE,  
NO.I, ATTUR, SALEM DISTRICT

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
ATTUR TOWN POLICE STATION,  
SALEM DISTRICT.

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

CRL OP.13500/2020

Date :09/09/2020