

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14163 of 2020

& CRL.MP.NO.5664/2020

Varadarajan

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Venganur Police Station
Venganur, Ariyalur District.

...Respondent

RAJENDIRAN [INTERVENER / DEFACTO COMPLAINANT]
[ORDERED AS PER ORDER OF THIS COURT
DATED 28/09/2020 MADE IN
CRL.MP.NO.5664/2020 IN CRL.OP.NO.14163/2020]

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.163 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Chozhan

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

For Intervenor : Mr.S.N.Arunkumar

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 406, 420 and 506(i) of IPC, in Crime No.163 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, under the guise of getting a job as Noon Meal Scheme Organizer, has received an amount of Rs.10,50,000/- from the de-facto complainant during the year 2015 and thereby, cheated her.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that it is a case of financial dispute and it has been falsely projected as a case of cheating and job racketing. He would further submit that the petitioner to show his bonafide, is prepared to deposit the original title deeds to the value of Rs.5,00,000/- to the credit of Crime No.163 of 2020.

4. The learned Additional Public Prosecutor would submit that under the guise of obtaining a job to the de-facto complainant in the Noon Meal Scheme, the petitioner has obtained a sum of Rs.10,50,000/- and thereby cheated the de-facto complainant.

5. The learned counsel for the intervenor vehemently opposed stating that the petitioner under the guise of obtaining a job for the defacto complainant, has received an amount to the tune of Rs.10,50,000/- and thereafter, neither he obtained any job to the de-facto complainant nor refund the amount.

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 petitioner, subject to the following conditions:

a) Accordingly, the petitioner is directed to deposit the original title deeds to the value of Rs.5,00,000/- to the credit of Crime No.163 of 2020 and on such deposit, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date on which the copy of the order is made ready, before the learned V Metropolitan Magistrate, Egmore, on condition that the petitioner shall execute a 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] the petitioner is directed to deposit the original title deeds to the value of Rs.5,00,000/- to the credit of Crime No.163 of 2020, before executing the bond.

[d] 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.

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

[f] the petitioner 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 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].

[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/-
28/09/2020

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 METROPOLITAN MAGISTRATE
NO.V, EGMORE

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VENGANUR P.S.,
VENGANUR, ARIYALUR DISTRICT.

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

CRL OP.14163/2020
& CRL.MP.5664/2020

Date :28/09/2020