

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 14311 of 2020

Ladakarar @ Ramasamy

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Veeraganur Police Station,
Salem District.
(Crime No.196 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.196 of 2020, on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

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 offences punishable under Sections 420, 294(B), and 506 (i) of Indian Penal Code, 1860, in Crime No.196 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that her husband Nalliyappan was having money, which was received as consideration by the sale of the property of the defacto complainant. While so, on 15.10.2017, the accused induced the husband of defacto complainant saying that he will give the money returning with huge dividends, thereby the 1st accused Mannar @ Palanivel has received a sum of Rs.19,50,000/- and the 2nd accused Ladakarar @ Ramasamy has received a sum of Rs. 4 lakhs and they have cheated the husband of defacto complainant. Further, on 02.05.2019 when the defacto complainant had asked to return the money, the accused have abused her in filthy language. Hence, the present complaint.

3. The learned counsel appearing for petitioner would submit that this is a case of financial dispute and it was projected as the case of cheating and the defacto complainant is attempting to recover

the amount by police action. He would submit that admittedly, it is the defacto complainant's husband, who is alleged to have handed over the money to the petitioner, but he has not filed the complaint. Whereas, in order to register a criminal case, a complaint has been given by the wife. The learned counsel would also submit that earlier, the complaint was given to D.S.P., Attur and an enquiry was conducted and no action was taken since it is civil in nature and thereafter, due to the influence of the defacto complainant, the present case has been registered. To prove the bonafide, the petitioner is prepared to deposit the original title deed of property worth about Rs. 4 lakhs. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently opposed stating that the petitioner along with one Mannar @ Palanivel, the 1st accused had induced the husband of the defacto complainant and they have totally received a sum of Rs.23 lakhs and they have cheated. Originally the complaint was enquired by D.S.P., Attur and later, since the F.I.R. was registered by the respondent, the enquiry by the DSP was closed. He would further submit that as far as petitioner is concerned, the allegation is that he has only received a sum of Rs.4 lakhs.

5. Taking into consideration the facts and circumstances and the submissions made by the learned counsels and the fact that the petitioners were offered to deposit the original deed of the immovable property worth about 4 lakhs to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Attur, on condition that the petitioner shall deposit the original deed of the immovable property worth about 4 lakhs to the credit of the Crime No. 196 of 2020 and the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five 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 conditions that:

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m for a period of two weeks and thereafter every Monday at 10.30 a.m until further orders.

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

(e) the petitioner shall not abscond either during investigating or trial;

(f) 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];

(g) 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/-

30/09/2020

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.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEERANGANUR POLICE STATION,
SALEM DISTRICT.

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

CRL OP.14311/2020

Date :30/09/2020

cs 14/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>