

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.Nos.15669 of 2020

1. Marceles Anthonysamy

2. Maria Delphine Marceles

... Petitioners

Vs.

The State represented by,  
Inspector of Police,  
Sooramangalam Police Station,  
Sales District  
(Crime No.918 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge bail in the event of arrest in connection with Crime No.918 of 2020 pending on the file of respondent police.

For Petitioners : Mr. L. Sharadh Kumar

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 offences punishable under Sections 406, 420 and 506(i) IPC in Cr. No.918 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per defacto complainant one Monisha is that the son of the first petitioner induced her to invest money in online business and thereby received a sum of Rs.5,10,000/- from the defacto complainant and cheated her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that due to previous enmity between the petitioners and the defacto complainant, a false complaint has been lodged against the petitioners. He would further submit that the son of the first petitioner who has already been arrested and remanded to Judicial Custody, has filed C.M.P.No.1962 of 2020 before the Judicial Magistrate Court-II, Salem and an interim bail was granted on a condition to deposit entire amount of Rs.5,10,000/- to the credit of crime no.918 of 2020 and he has complied with the said condition. He would further submit that the petitioners herein have nothing to do with the transaction between the son of the first petitioner and the defacto complainant. Therefore, he prayed for grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners induced the defacto complainant and received a sum of Rs.5,10,000/- from him and the son of the first petitioner has been arrested and remanded to judicial custody. Hence, he opposed to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsels and already the co-accused has deposited the entire amount to the credit of the above crime no, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are 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 this order is made ready, the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 Judicial Magistrate No.II, Salem District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners 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.

**[c] the petitioners shall report before the respondent police daily 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

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

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

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

-sd/-  
05/10/2020

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.II,  
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
SOORAMANGALAM POLICE STATION,  
SALEM DISTRICT.

+1CC to M/S.L.SHARADH KUMAR Advocate on payment of  
necessary charges SR NO.6702

CRL OP.15669/2020

Date :05/10/2020

MK:13/10/2020