

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14370 of 2020

Sanjeevkumar

... Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
Cr.No.946 of 2020

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.946 of 2020 on the file of the respondent police.

For Petitioner : Mr. C.S.Saravanan

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 publishable under Section 420 of I.P.C in Crime No. 946 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had induced the petitioner to invest certain amount in the share market and the petitioner has received a sum of Rs.2,20,000/- (Rupees Two Lakhs Twenty Thousand only) from the defacto complainant on the assurance of getting profits. Thereafter the petitioner had cheated the defacto complainant. Hence, the complaint was registered.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner has received only a sum of Rs.20,000/- (Rupees Twenty Thousand only) and the remaining amount has been invested in the company. The learned counsel further

submitted that without prejudice to his rights, the petitioner is prepared to deposit a sum of Rs.1,50,000/- (Rupees One lakh Fifty Thousand only) to the credit of Crime No.946 of 2020 to show his bonafides. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner has introduced the defacto complainant to the on-line trading. Based on the representation of the petitioner, the defacto complainant had invested an amount of Rs.2,20,000/- (Rupees Two Lakhs Twenty Thousand only) and thereafter the petitioner had cheated the defacto complainant. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruchengode, on condition that the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One lakh Fifty Thousand only) to the credit of Crime No.946 of 2020 and 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 as and when required for interrogation.

[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].

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

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

-sd/-
18/09/2020

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,
TIRUCHENGODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
TIRUCHENGODE RURAL POLICE STATION,
NAMAKKAL DISTRICT.

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

CRL OP.14370/2020

Date :18/09/2020

cs 28/09/2020

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