

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.14654 of 2020

Santhosh Raj

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Thirupapathur Town Police Station,
Vellore District.
(Cr.No.1341 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of their arrest in Connection with the Crime No.1341 of 2020 pending 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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506 (i) of IPC in Crime No.1341 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant is that the main accused namely A1 was introduced by one Saravanan stating that A1 is working in Rural Development Department and his wife A2 is the Commissioner of Thirupathur Municipality and the son-in-law of A1 and A2 who is the petitioner was working in Rural development as Regional Manager. Thereafter, A1 made a false promise that he was securing job in Government Departments and he is offering house plots in a cheaper price. Hence, the defacto complainant believing the false promise made by A1 that he will secure Government job, he has collected Rs.4,00,000/- from 10 persons, which amounts to Rs.40,00,000/-. Thereafter, he also collected Rs.92,50,000/- from 19 persons that he will offer house plots at cheaper rate and paid the

same to A1. After receiving the said amount A1 neither secured the job nor registered the house plots and also failed to refund the amount. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is working as PG Assistant in Brindavan Matriculation Higher Secondary School, Natrampalli, Vellore District. He would further submit that he belongs to the Dalit community and his wife who is the daughter of A1 and A2 belongs to the backward community viz. Vanniyar community. The petitioner fell in love with the daughter of A1 and A2 and married her against the wishes of A1 and A2 and the marriage was registered before the Sub Registrar, Thirupathur Vide SL.No.91/2011. Since it was the inter- caste marriage, A1 and A2 did not accept them and they are living separately and that they are no way connected to the crime. He would further submit that in order to put the petitioner under pressure, the victims have stated that the money collected for the plots was handed over to the accused in the presence of the petitioner. He would further submit that the main accused person A1 and A2 were arrested and enlarged on bail by the learned Judicial Magistrate No.I, Thiruppathur, Vellore District in Crl.M.P.No.2315 of 2015 and Crl.M.P.No.2316 of 2020 dated 03.09.2020.

4.The learned Counsel for the petitioner would also submit that without prejudice to his defence and contention, the petitioner is prepared to deposit original title deeds of immovable property worth Rs.10,00,000/- to the credit of the above crime number in order to show his bonafide. Hence, he prays for granting anticipatory bail.

5. The learned Additional Public Prosecutor submitted that totally there were 6 accused persons in this case and the petitioner is arrayed as A3. A1 and A2 are his in-laws and he joined with other accused persons and collected a sum of Rs.13,25,000/- from the victims on the false promise of getting jobs in Government Departments and housing plots at cheaper price and cheated them. Hence, he vehemently opposed granting anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts and submissions of the learned Counsels and the submissions of the learned counsels and that the petitioner has come forward to deposit original title deeds of immovable properties worth Rs.10,00,000/- to the credit of the above crime number in order to show his bonafide, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] Accordingly, the petitioner is directed to deposit original title deeds of immovable properties stands in his name or his relatives name not less than the value of a sum of Rs.10,00,000/- (Rupees ten Lakhs Only) to the credit of Crime No.1341 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 four weeks

after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Thiruppathur, on condition that the petitioner shall execute a 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:

[b] 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.

[c] the petitioner shall report before the respondent Police daily evening at 5.30 a.m., for a period of two weeks and thereafter on every saturday at 5.30 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 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 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].

[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/-

24/09/2020

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, THIRUPATTHUR,
VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.14654/2020

Date :24/09/2020

cs 12/10/2020



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