

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2020

CORAM :

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

Crl.O.P.No.14782 of 2020

1. Manjula
2. T. Stalin

... Petitioners

Vs.

The State Rep by its
The Inspector of Police,
J-4, Velacherry Police Station,
Chennai.

Crime No.180 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.180 of 2020 on the file of the respondent police.

For Petitioner : Mr. K. Thenrajan

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 publishable under Sections 406 and 420 of I.P.C. in Crime No. 180 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioners were running a business of selling nuts. The de-facto complainant was induced by the petitioners to join the business and the de-facto complainant has invested an amount of Rs.14,30,000/- (Rupees Fourteen lakhs thirty thousand only) and also 6.5 sovereign of gold. The petitioners have not returned any profit out of the business. Hence, the complaint was registered.

3. The learned Counsel for the petitioners would submit that the petitioner are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners are running business in the name and style of "Igneous International" and they have borrowed some amount from the de-facto complainant on loan. He would submit that earlier an complaint was given against the petitioners before the J-7, Velachery Police Station.

At the time of giving the earlier complaint, the allegation was made for having received only an amount of Rs.6,00,000/- (Rupees Six lakhs only). He would submit that a case of business loan is projected as a case of cheating. The learned counsel would further submit that the petitioners due to the covid pandemic situation find it difficult to raise funds however to show their bonafide, they are prepared to deposit the original title deeds of immovable property worth about Rs.10 lakhs to the credit of Crime No.180 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioner has induced the de-facto complainant to invest an amount of Rs.14,30,000/- (Rupees Fourteen lakhs thirty thousand only) and also taken 6.5 sovereigns of gold from the defacto complainant. Thereafter, the petitioners have neither returned the principle nor return any profit out of the business. Hence, 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 petitioners are 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 is made ready, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners shall deposit the original deed of immovable property worth about Rupees 10 lakhs to the credit of crime no.180 of 2020 within a period of three weeks and the petitioners shall execute a separate bond together 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 condition that:

[a] 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.

[b] the petitioners shall report before the respondent Police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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.

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

-sd/-
29/09/2020

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.XVIII,
SAIDAPET, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
J-4, VELACHERY POLICE STATION,
CHENNAI.

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

CRL OP.14782/2020

Date :29/09/2020

MK:20/10/2020