

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15383 of 2020

R.Vignesh
S/o.Rajendiran

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
N1, Royapuram Police Station,
Chennai-600 013.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest by the respondent police pending investigation of the case in Crime No.59 of 2016 on the file of the respondent police.

For Petitioner : Mr.C.K.M.Appaji

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

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ORDER

(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, 406, 294(b) and 506 (1) of IPC in Crime No.59 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, namely Baskaran, is that the petitioner along with the other accused cheated the defacto complainant by way of assuring him a medical seat for defacto complainant's daughter in China and based on which they received amounts to the tune of Rs.16,90,000/-. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the other accused have deposited amounts to the tune of Rs.5,00,000/- to the credit of crime no by way of cash. He further submitted that the petitioner is ready to deposit a sum of Rs.3,00,000/-

(Rupees three lakhs only), to the credit of crime No.59 of 2016 to show his bonafide. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner along with the other accused induced the defacto complainant by assuring him to get a medical seat in China for his daughter and also received a sum of Rs. 16,90,000/-from the defaco complainant. He further submitted that there are no previous cases pending as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is directed to be released on bail in the event of his 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 petitioner

shall execute a bond for a sum of Rs.15,000/- (Rupees fifteen 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 XVI Metropolitan Magistrate, George Town, Chennai, 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 deposit a sum of Rs.3,00,000/- (Rupees three lakhs only), to the credit of Crime No.59 of 2016, before the concerned Magistrate.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., until further order.

(d)the petitioner shall surrender his passport before the Concerned Court.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] 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.

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Index : Yes/No
Internet : Yes/No
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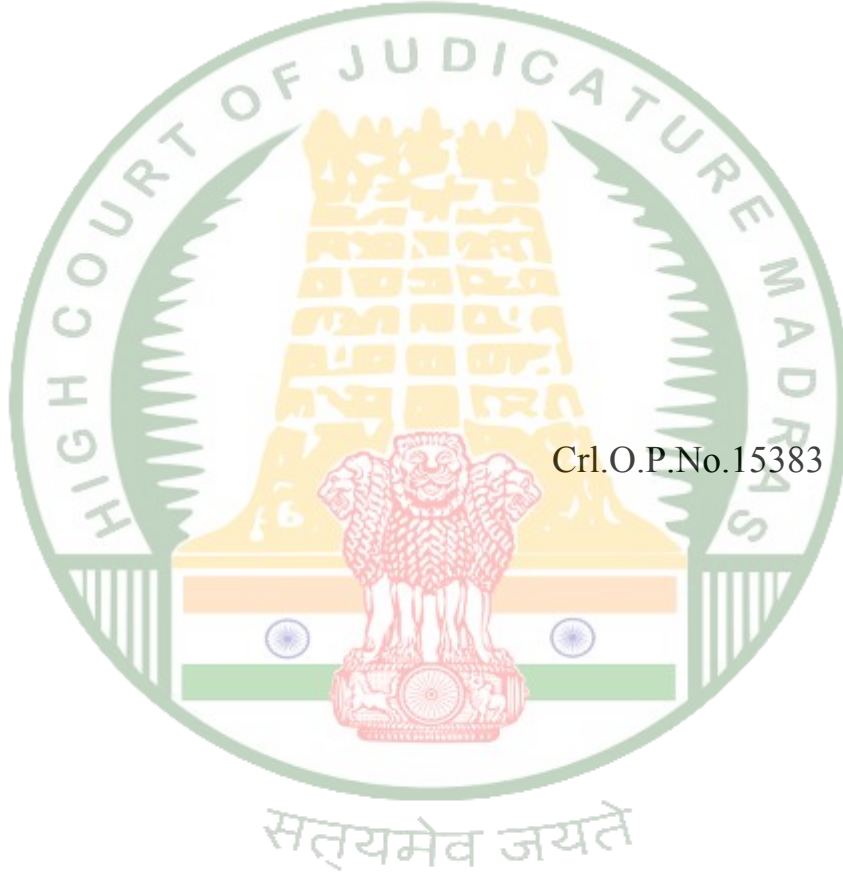
1. The learned XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N1, Royapuram Police Station,
Chennai-600 013.
3. The Public Prosecutor,
High Court,
Madras.



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A. D. JAGADISH CHANDIRA, J.

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