

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15506 of 2020

Karnan @ Karunakaran

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Tondiarpet Police Station,
Chennai.

(Crime No.221 of 2019) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of arrest in Crime No.221 of 2019 pending on the file of the respondent police.

For Petitioner : Mr.D.Senthil Kumar

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 and 506 (i) of Indian Penal Code, 1860, in Crime No.221 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Mr.Sundarraaj, is that the accused, who is known to him for the past 10 years and that he has represented that he is a person belonging to ruling party and he has informed that he will obtain job for his partner and his sons Adithyan and Sethuraman. Based on the representation made by the petitioner, the defacto complainant has paid a sum of Rs.9 lakhs by cash and an amount of Rs.1,50,000/- by way of cheque. Thereafter, the accused has not obtained any job as promised by him. Hence, the present complaint.

3. The learned counsel appearing for petitioner would submit that a case of money dispute has been falsely projected as a case of job racketing. Earlier, due to a financial dispute, a similar complaint was given. He would submit that subsequent to the registration of the

complaint, the defacto complainant pressurised the petitioner and the petitioner's daughter on behalf of the petitioner transferred a housing plot at Morai village worth about Rs.10 lakhs, in favour of the defacto complainant as full and final settlement and now, the defacto complainant is unduly trying to recover more amounts. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently opposed stating that the petitioner on the promise of obtaining jobs had cheated a sum of Rs.9 lakhs. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned XV Metropolitan Magistrate Court, George Town, Chennai, on condition that the petitioner shall execute a bond 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 conditions that:

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall appear before the respondent police everyday at 10.30 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 investigating or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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.

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

-sd/-
01/10/2020

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 METROPOLITAN MAGISTRATE
NO.XV, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TONDIARPET POLICE STATION,
CHENNAI.

CC to M/S.D.SENTHIL KUMAR Advocate on payment of necessary charges

WEB COPY

CRL OP.15506/2020

Date :01/10/2020

cs 12/10/2020