

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17072 of 2020

1.M.Kugan
2.M.Saravanan
3.M.Kumar
4.Thiripurasundari

... Petitioners

Vs.

The State Represented by
The Inspector of Police
District Crime Branch,
Thiruvallur District.
(Crime No.6 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.6 of 2019, pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Vivekananthan

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 alleged offences punishable under Sections 420, 294(b) and 506(ii) IPC read with Section 34 IPC in Crime No.6 of 2019, 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 along with other accused persons have collected a sum of Rs. 14,70,000/- from four victims and assurance of getting job from the Tamil Nadu Electricity Board after collecting the amounts, they did not arrange the job as assured by them. They even did not return the money to the victims. Hence, the complaint.

3.The learned counsel for the petitioners would submit that earlier the petitioners were granted anticipatory bail by this Court in CrI.O.P.No.10255 of 2019 dated 10.06.2020, on condition that the petitioners shall jointly deposit a sum of Rs.10 lakhs to the credit of Crime No. 6 of 2019 within a period of two weeks from the date on which the order copy made ready. He would further submit that since the petitioners were unable to raise the funds, the petitioners have filed the Miscellaneous petitions in CrI.M.P.No.8728 of 2019, CrI.M.P.No.13192 of 2019 and this Court extended the time. Further,

he would submit the petitioners were unable to raise the funds and thereby the earlier order was lapsed. Therefore, the present application has been filed. Further, he would submit that the petitioners are jointly prepared to deposit a sum of Rs.10 lakhs to the credit of Crime No. 6 of 2019 within a period of two weeks from the date of receipt of a copy of this order.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused persons have collected a sum of Rs. 14,70,000/- from four victims and assurance of getting job from the Tamil Nadu Electricity Board after collecting the amounts they did not arrange the job as assured by them. They did not return the money to the victims. However, he would submit that the petitioners were granted conditional bail by this Court in CrI.O.P.No.10255 of 2019 dated 10.06.2020.

5. Considering the facts of this case and the submissions made by the counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, each of the petitioner are directed to deposit a sum of Rs.1,000/- (Rupees Thousand only) each to the Legal Service Authority attached to concerned Court and on such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate -II, Poonamallee, on condition that the petitioners 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 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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, these Criminal Original Petitions are ordered.

-sd/-

02/11/2020

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 JUDICIAL MAGISTRATE NO.II,
POONAMALLEE

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE NO.II,
POONAMALLEE

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT,

6 THE SECRETARY,
TAMIL NADU LEGAL AID SERVICE AUTHORITY,
HIGH COURT, MADRAS.

7 THE OFFICER INCHARGE,
LEGAL SERVICE AUTHORITY,
POONAMALLEE.

CC to M/S. R.VIVEKANANTHAN
charges sr.7192

Advocate on payment of necessary

CRL OP.17072/2020

Date :02/11/2020

RVR 09/11/2020