



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16885 of 2020

1.P.Shantha Kumar
2.I.Imran

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
Vadapalani Police Station
Chennai
Crime No.473 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest a the hands of the respondent police in Crime No.473 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

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 under Sections 406 and 420 of IPC, in Crime No.473 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Vetriselvi is that the petitioners were known to her through her friend one Manochitra and that they have canvassed and induced the de-facto complainant to invest in a Multi Level Company namely, 'Qnet' run by A1 and thereby the de-facto complainant had invested an amount of Rs.1,41,300/- and her friends viz., Karunakaran and Priyanka had also invested Rs.1,60,000/- each and thereafter, the accused cheated her and when she enquired the accused, they agreed to repay the money. Later, they did not keep up the promise and hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocents and the petitioners are the investors in the multi level marketing company run by the first accused. He would further submit that the de-facto complainant is also one among the customers of the Multi level company and she had given a false complaint that as if the petitioners induced her to invest in the company. He would further submit that to show their bonafides, the petitioners are prepared to deposit the title deeds of an immovable property to the credit of crime No.473 of 2020. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioners induced the de-facto complainant to invest in a multi level marketing company and later, cheated the de-facto complainant. He would further submit that the investigation is pending and as far as the petitioners are concerned, there is no previous case against them.

5. Taking into consideration the facts and circumstances of the case and also 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 petitioners are directed to deposit the original title documents to the value of Rs.2,00,000/- to the credit of Crime No.473 of 2020 and on such deposit, 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 of receipt of a copy of this order, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 deposit the original title documents to the value of Rs.2,00,000/- to the credit of Crime No.473 of 2020 before executing the bond.

[d] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.



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

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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
19/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE COURT NO.XVII,
SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR NO.7724

CRL OP.16885/2020

Date :19/11/2020