

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17204 of 2020

R.Mahadevan

... Petitioner

Vs.

The State Represented by, ... Respondent
The Inspector of Police,
District Crime Branch Police Station,
Cuddalore District.
Crime No.13 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner/ accused in the event of arrest in Crime No.13 of 2020 pending investigation before the respondent.

For Petitioner : Mr.C.Mohanraj

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under **Sections 406 and 420 of IPC** in Crime No.13 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Bharathiraja, is that the petitioner and the other accused had indulged in job racketing and cheated the defacto complainant's son to the tune of Rs.16 lakhs on the false assurance of arranging job in Neyveli Lignite Corporation. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and has been falsely implicated in this case. He would further submit that A1 and A2 were arrested and they have deposited a sum of Rs.1,00,000/- at the time of coming out on bail. He would further submit that the cheques issued by the defacto complainant's son as security was misused by A1 and that the petitioner has been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that it is the case of job racketing. The petitioner along with other two accused induced the defacto complainant's son on the false assurance of arranging job in Neyveli Lignite Corporation and obtained a sum of Rs.10 lakhs from him and thereafter, cheated him. He would further submit that the petitioner is also part of the gang.

5. At this juncture, the learned counsel for the petitioner would reiterate that A1 & A2 have already deposited a sum of Rs.1 lakh to the credit of the Crime No.13 of 2020 and that without prejudice to his defence, the petitioner is prepared to deposit a sum of Rs.4 lakhs to the credit of Crime No.13 of 2020. Hence, he prays for grant of anticipatory bail.

6. Taking into consideration the facts and circumstances of the case and the fact that arrested accused have been granted bail and that the petitioner has come forward to deposit a sum of Rs.4 lakhs to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is directed to **deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) to the credit of Crime No.13 of 2020** within a period of fifteen days from the date on which the order copy is made ready and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate, Tittagudi, Cuddalore District**, on condition that the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, on every Monday 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 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 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/-

11/11/2020

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 THE JUDICIAL MAGISTRATE,
TITTAGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges

CRL OP.17204/2020

Date :11/11/2020

TA-19/11/2020

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