

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.17765 of 2020

Murugan

... Petitioner

Vs.

State Rep. By

....Respondent

The Sub Inspector of Police,
Jalakandapuram Police Station,
Salem District.
(Cr.No.633 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.633 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.R.Balakrishnan

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offences punishable under **Sections 294(b) , 420 and 506(i) of IPC** in Crime No.633 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused persons have approached the defacto complainant and made an assurance that they will supply the stone crushing machine. Based on the assurance given by the petitioner, the defacto complainant had paid a sum of Rs.1.5 Lakhs. Thereafter, the petitioner cheated the defacto complainant by not supplying the machine. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that this case is money dispute and also submitted that without his prejudice his rights the petitioner is ready to deposit a sum of Rs.75,000/- (Rupees Seventy Five thousand only) to the credit of crime No.633 of 2020. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner has cheated the defacto complainant after receiving a sum of Rs.1,50,000/- in the guise of supplying a stone crushing machine. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the petitioner is ready to deposit a sum of Rs.75,000/- (Rupees Seventy Five thousand only) to the credit of crime, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his 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 No.II, Mettur**, 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:

[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.75,000/- (Rupees Seventy Five Thousand only), to the credit of Crime No.633 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] **the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

10/11/2020

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,
NO.II, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
JALAKANDAPURAM POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.7516

CRL OP.17765/2020

Date :10/11/2020

TA-23/11/2020