

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20880 of 2020

Mani

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Salavakkam Police Station
Kancheepuram District
Cr.No. not known of 2020

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No. not known of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.M.Mohamed Muzammil
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 417 and 506(ii) of IPC in Crime No. not known on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that the petitioner was only working for the commission and he is no way involved in the alleged commission of the offences.

4. However, instead the learned Government Advocate (Criminal Side) submitted that the petitioner had collected from 18 persons to the tune of Rs.2,17,500/- and did not pay to the Bank. He further submitted that in this case, FIR has been registered in Crime No.1286 of 2020 for the alleged offences under Sections 420 and 506(i) of IPC.

5. At this juncture, the learned counsel for the petitioner, on instructions submitted that without prejudice to his defence, the petitioner is prepared to deposit 50% of the amount alleged to have been cheated by him.

6. Considering the facts and circumstances of the case and also fact that the petitioner has come forward to deposit 50% of the amount alleged to have been cheated by him, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner shall deposit 50% of the alleged cheated amount i.e., a sum of Rs.1,08,750/- to the credit of Crime No.1286 of 2020 and on such deposit, 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 District Munsif-cum-Judicial Magistrate, Uthiramerur, 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 and on further condition that:

[a] 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 50% of the alleged cheated amount i.e Rs.1,08,750/- to the credit of Crime No.1286 of 2020 before the learned District Munsif-cum-Judicial Magistrate, Uthiramerur, before executing the bond.

[c] The final order in respect of the deposit amount shall be passed by the trial Judge at the time of conclusion of trial.

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

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

[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 229-A IPC.

-sd/-

30/12/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHIRAMERUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SALAVAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. D.DAYALAN Advocate on payment of necessary charges
Sr.8734

CRL OP.20880/2020

Date : 30/12/2020

RVR 06/01/2021

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