

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20945 of 2020

1.Saravanan
2.Karuppusamy .. Petitioners

Vs.

State Rep. by
The Inspector of Police,
Alangiyam Police Station,
(Crime No.1123 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 by the respondent Police pending investigation in Crime No.1123 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Panneer Selvan

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

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 408, 468, 471 and 477A of IPC in Crime No.1123 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. However, to show their bonafide the petitioners are prepared to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each to the credit of the Crime No.1123 of 2020.

3.The learned Government Advocate (Criminal Side) would submit that the petitioners have mis-appropriated Rs.3,00,000/- (Rupees Three Lakhs only).

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side).

5. It is seen from the submissions made that the allegations against the petitioners is that they said to have mis-appropriated Rs.3,00,000/- (Rupees Three Lakhs only). Now, the learned counsel for the petitioners undertakes to deposit Rs.1,00,000/- (Rupees One Lakh only) each to show their bonafide and to participate in the investigation and trial of the case. Considering the facts and circumstances of the case and on a consideration of the undertaking given by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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 Judicial Magistrate, Dharapuram on condition that the petitioners shall execute a separate 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] each of the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Crime No.1123 of 2020 before the learned Judicial Magistrate, Dharapuram without prejudice to their defence within a period of two weeks from the date on which the order copy is made ready. The deposit of amount will not be taken as the petitioners admitted their offence. Appropriate order shall be passed by the learned Trial Judge at the time of final disposal of the case with regard to disbursal of this amount.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[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 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 JUDICIAL MAGISTRATE,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALANGIYAM POLICE STATION.

+1CC to M/S. S.PANNEER SELVAN Advocate on payment of
necessary charges SR NO.8773

CRL OP.20945/2020

Date :30/12/2020

MK:07/01/2021

सत्यमेव जयते

WEB COPY