

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Twenty Seventh day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.29451 & 29458 of 2019

RODRIGUES JOSEPH CLINT

[ PETITIONER / ACCUSED  
IN CRL.OP.29451/2019 ]

AARTHY ANAVARAM BOMMISHETTY

[ PETITIONER / ACCUSED  
IN CRL.OP.29458/2019 ]

Vs

THE STATE BY

[ RESPONDENT IN BOTH THE PETITIONS ]

INSPECTOR OF POLICE (CRIME),  
K-4, ANNA NAGAR P.S.,  
CHENNAI.

CRIME NO.313 OF 2019

For Petitioner : M/S. K.ARUMUGARAJA Advocate [IN BOTH THE PETITIONS]

For Respondent : MR.C.AYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR  
[IN BOTH THE PETITIONS]

For Intervener : M/S.B.PRATAP Advocate [IN BOTH THE PETITIONS]

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Section 420 of I.P.C. in Cr.No.313 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have induced the defacto complainant to invest in their company as deposit on the promise that they will return back more amount, thereby, the defacto complainant deposited a sum of Rs.3,60,000/- and thereafter, the petitioners cheated the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners never induced the defacto complainant to deposit any amount. However, the learned counsel on instructions, would further submit that the petitioners are ready to deposit the sum of Rs.3,60,000/- to the credit of the crime number and would further submit that on such deposit being made, the said amount may be disbursed in favour of the defacto complainant after obtaining appropriate affidavit.

4.The learned counsel appearing for the intervenor concede to the request made by the learned counsel appearing for the petitioners.

5.The learned Additional Public Prosecutor would submit that if the petitioners are ready to deposit the amount, this Court may consider for releasing them in anticipatory bail.

6.Considering the fact that the petitioners are ready to deposit a sum of Rs.3,60,000/-, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 V M.M.C., Egmore, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners shall jointly deposit a sum of Rs.3,60,000/- (Rupees Three Lakhs and Sixty Thousand Only) to the credit of the Cr.No.313 of 2019 before the learned V M.M.C., Egmore, Chennai, within a period of two weeks. On such deposit being made, the learned V M.M.C., Egmore, Chennai, shall disburse the amount in favour of the defacto complainant after obtaining appropriate affidavit.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-  
27/01/2020

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 METROPOLITAN MAGISTRATE COURT  
NO.V, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME),  
K-4, ANNA NAGAR P.S.,  
CHENNAI.

+4 CC to M/S. K.ARUMUGARAJA Advocate on payment of necessary charges SR.Nos.1504 & 1507

सत्यमेव जयते

CRL OP.Nos.29451 & 29458/2019

Date :27/01/2020

cs 30/01/2020

WEB COPY