

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.72 of 2021

ALPHONES

[PETITIONER / ACCUSED]

Vs

STATE REP BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
J-7,VELACHERY POLICE STATION,
CHENNAI-42.
CR NO.1078/2020.

For Petitioner : M/S.C.MOHANRAJ Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 of IPC and Section 66(D) of I.T. Act, in Crime No.1078 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant received a call from Reliance Nippon Life Insurance and lured the defacto complainant by saying that if he invest in the Insurance Policy Scheme they will arrange for personal loan. Believing the sugar coated words, the defacto complainant invested Rs.40,000/- and thereafter he came to know that he has been cheated. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution. The petitioner is working under A1 as driver. He has nothing to do with the company transactions and never induced any persons to avail loan. Hence, he sought for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the entire amount has been recovered from the accused persons. He further submitted that A1 and A2 were arrested and released on bail and investigation is still pending.

5.Taking into consideration the facts and circumstances of the case and also the fact that co-accused have been granted bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, 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 XVIII Metropolitan Magistrate, Saidapet, Chennai, 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 petitioner 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;

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

-sd/-

27/04/2021

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 XVIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, SAIDAPET, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-7, VELACHERY POLICE STATION,
CHENNAI-42

+2 CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges SR.5545

CRL OP.72/2021

सत्यमेव जयते Date : 27/04/2021

RVR 15/06/2021

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