

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.659 of 2021

N.MURALIDHARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
CUDDALORE EOW POLICE STATION,
CUDDALORE.

For Petitioner : M/S.M.SACHIN VIJAY Advocate

For Respondent : MR. K.PRABAKAR,
Additional Public Prosecutor.

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 offences under Sections 5 of TNPID Act and Sections 420, 406 r/w Section 120(b) of IPC. in Crime No.1 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. Totally there are 7 accused in this case and the petitioner herein is arrayed as A7. The case of the prosecution is that the petitioner along with other accused persons have cheated the defacto complainant to the tune of Rs.1 crore and also from the general public by promoting a dairy farm. Hence the defacto complainant filed the complaint before the law enforcing agency against the petitioner and other accused persons leading to the registration of the case.

3.The learned counsel appearing for the petitioner submits that the petitioner joined the company only in the year 2019 and the occurrence is said to have taken place in the year 2012. Hence, the petitioner was not in any way connected with the offence as alleged by the prosecution. He further submits that without prejudice to his defence and contentions the petitioner, in order to show his bona fide, is ready and willing to deposit the title deeds for a value not

less than Rs.10,00,000/-. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner along with other accused persons have collected money and cheated the defacto complainant and also general public (about 100 victims) to the tune of Rs.1. Crore by conducting a fraudulent chit fund. They did not return the amount so far. However, he fairly conceded that already this Court had granted anticipatory bail to the co-accused/A1 to A6 in CrI.O.P.No.21344 Of 2019 dated 29.08.2019.

6.Considering the submission advanced by the learned counsel on either side and the further fact that the co-accused/A-1 to A-6 have already been granted anticipatory bail by this Court and the petitioner, on his own volition, is also ready and willing to deposit title deeds for a value not less than Rs.1 crore this Court is inclined to grant anticipatory bail to the petitioner with some stringent conditions.

7.Accordingly, **the petitioner is directed to deposit title deeds worth to the tune of Rs.10,00,000/- standing either in his name or in the name of the family members/relatives/friends of the petitioner, along with the valuation certificate obtained from the concerned Revenue Authorities before the Judicial Magistrate No.I, Cuddalore in relation to the Crime No.1 of 2019 on the file of the respondent police, within a period of four weeks from the date on which the order copy is made ready and on such deposit of title deeds being made, the petitioner shall be released on bail, in the event of arrest or on his surrender before the Judicial Magistrate No.I, Cuddalore and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) **the petitioner is directed to deposit title deeds worth to the tune of Rs.10,00,000/- standing either in his name or in the name of the family members/relatives/friends of the petitioner, along with the valuation certificate obtained from the concerned Revenue Authorities before the Judicial Magistrate No.I, Cuddalore in relation to the Crime No.1 of 2019 on the file of the respondent police, within a period of four weeks from the date on which the order copy is made ready.**

(c) **the final order in respect of the said deposit of title deeds shall be decided by the learned trial judge at the conclusion of the trial.**

(d) the petitioner shall report before the respondent police as and when required for interrogation;

(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]**; and;

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

-sd/-

08/04/2021

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.THE JUDICIAL MAGISTRATE NO I, CUDDALORE.

2.THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT.(FOR INFORMATION)

3.THE INSPECTOR OF POLICE,
CUDDALORE EOW POLICE STATION,CUDDALORE.

4.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SACHIN VIJAY Advocate on payment of necessary charges

CRL OP.659/2021

Date :08/04/2021

rg.30.04.2021