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CrI.O.P.No.1262 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

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THE HONOURABLE **MRS. JUSTICE T.V.THAMILSELVI**

CrI.O.P.No.1262 of 2022

1.S.Naveen Kumar
2.N.Latha

... Petitioners

Versus

The State Represented by:
The Inspector of Police,
District Crime Branch,
Thiruvallur District.
(Crime No.26 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in respect of Crime No.26 of 2021 on the file of the respondent police.

For Petitioners : Mr.T.N.Muralimoghan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420, 506 (i) of IPC, in Crime No.26 of 2021, seek bail.

2. The case of the prosecution is that the petitioners approached the defacto complainant as though they are willing to induct the defacto complainant as a partner in their business and requested for investment on the business. Accordingly the defacto complainant alleged to have arranged funds totalling for a sum of Rs.62,00,000/- and thereafter avoided the defacto complainant by evasive reply and thereby cheated the defacto complainant and the respondent police registered a case against the petitioners.

3. The learned Counsel for the petitioners would submit that the allegation set out in the complaint is totally false. The second petitioner is a house wife and no way connected to the business of her husband/first petitioner. Hence, he prays for grant of bail to the petitioners.



4. The learned Additional Public Prosecutor raised objection but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the *learned Judicial Magistrate, No.II, Ponneri*, 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 are directed to deposit a sum of **Rs.2,00,000/- each (Rupees Two Lakhs only) to the credit of Crime No.26 of 2021**, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal



functioning whichever is earlier and shall produce the said receipt before the Court below; Complainant is permitted to withdraw the amount on undertaking 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 every Tuesday at 10.30 a.m for a period of four weeks and thereafter as and when required for an 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 has been imposed and the petitioners are 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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[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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To

1.The learned Judicial Magistrate No.II, Ponneri.

2.The Inspector of Police,
District Crime Branch,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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