

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.2199 of 2021

1 SAFIQ AHAMED [PETITIONERS/ ACCUSED]
2 SABNA PARVEEN
3 SUNDARRAJA PERUMAL

Vs

STATE REP BY [RESPONDENT/ COMPLAINANT]
THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.
CRIME NO.1292 OF 2019.

For Petitioners : M/S.T.LENIN KUMAR Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420, 294(B) and 506(ii) of I.P.C in Crime No. 1292 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners herein influenced the defacto complainant to invest the amount in export business and received a sum of Rs.8,25,000/- from him. Thereafter the petitioners have not paid either the profit or returned the principal amount. Hence the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners invested the amount in export business and the business sustained loss. Hence, the petitioner was not able to pay the profit or return back the principal amount to the defacto complainant. He further submits that the petitioners, without prejudice to their defence and contentions, the petitioners are ready to deposit the entire amount of Rs.8,25,000/- received from the defacto complainant to the credit of the present crime. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the petitioners herein influenced the defacto complainant to invest the amount in export business and received a sum of Rs.8,25,000/- from him and not paid the profit or returned back the principal amount and thereby cheated the defacto complainant for which investigation is still pending and, therefore, he opposed grant of anticipatory bail to the petitioners.

6.Considering the submission made by the learned counsel appearing on either side and that the petitioners are ready and willing to deposit the entire amount of Rs.8,25,000 received from the defacto complainant, to the credit of the crime No., this Court is inclined to grant anticipatory bail to the petitioners with some stringent conditions.

7.Accordingly, the petitioners are directed to deposit the entire amount of Rs.8,25,000/- received from the defacto complainant within a period of eight weeks from the date on which the order copy is made ready to the credit of the above crime number which is the subject matter of this petition and on such deposit being made, the petitioners shall be released on bail in the event of arrest or on his surrender before the Judicial Magistrate Palladam on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a)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;

(b) the petitioners are directed to deposit the entire amount of Rs.8,25,000/- to the credit of the crime number which is the subject matter of the present petition and on such deposit being made, the same shall be disbursed to the defacto complainant by the trial Court upon filing a proper affidavit incorporating a condition that if the petitioner succeeds in the trial, the defacto complainant shall pay the amount back to the petitioner.

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

(d) the petitioners shall report before the respondent police daily at 10:30 a.m until further orders.

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners 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 petitioners 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,
PALLADAM.
2. THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. (FOR INFORMATION)
3. THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.
4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.LENIN KUMAR Advocate on payment of necessary charges

WEB COPY

CRL OP.2199/2021

Date :08/04/2021

TK/23.04.2021