

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2549 of 2021

L. Jagadeesan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
District Crime Branch,
Thiruvallur District.
(Crime No. 26 of 2017)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in connection with Crime No.26 of 2017 pending investigation on the file of the Respondent.

For Petitioner : Mr.B.Suresh Kumar

For Respondent : Mrs.M.Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420 & 34 of IPC in Crime No.26 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. Totally there are 5 accused and the petitioner is arrayed as A5. The case of the prosecution is that A1 and A2 conducted chit business and collected huge amount from various general public and failed to return the same. Hence, the respondent police registered a case. So far as the allegation against the petitioner is concerned, the petitioner was working as an agent under the main accused and received commission.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that co-accused in this case has already been released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the main accused in this case was arrested and released on bail. Now, investigation is completed and final report has also been filed.

5. Considering the said facts and circumstances of the case, and the fact that investigation is completed and final report has also been filed and also the fact that co accused in this case has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ponneri, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall appear before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
17/02/2021

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,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT.

CC to M/S.B.Suresh Kumar Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.2549/2021

Date :17/02/2021

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