

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.2491 of 2021

DEVA KANTHA

[PETITIONER/ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
D.C.B, THIRUVANNAMALAI.
CRIME NO.1/2021

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.K.GANGADARAN Advocate

For Respondent : M/S. S.KARTHIKEYAN, 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 Section 420 of IPC, in Crime No.1 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had promised to the defacto complainant for Government Job in Social Welfare Department and received a sum of Rs.3,20,000/-. Thereafter, neither he secured the job nor returned the money. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she is no way connected with this crime and she has been falsely implicated in this case. He would further submit that there is no previous case pending as against the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner had promised to the defacto complainant for Government Job in Social Welfare Department and received a sum of Rs.3,20,000/-.

Thereafter, neither he secured the job nor returned the money, He would further submit that there is no previous case pending as against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the investigation is also completed and there is no previous case pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of Crime No.1 of 2021, within a period of four weeks from the date on which the order copy made ready. The petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate No.1, Thiruvannamalai, 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, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.1 of 2021, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready. The learned Judge is directed to handover the amount to the defacto complainant.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
04/03/2021

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,
THIRUVANNAMALAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D.C.B, THIRUVANNAMALAI.

+1 CC to M/S.K.GANGADARAN Advocate on payment of necessary charges SR NO. 2980

सत्यमेव जयते

WEB COPY

CRL OP.2491/2021

Date :04/03/2021

MN-12/03/2021