

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.3059 of 2020

1. Charles

2. Vanitha @ Thilagavathi

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
District Crime Branch Police Station,
Thiruvarur District.
(Crime No.12 of 2018)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest by the respondent police connected with Crime No.12 of 2018 on the file of the respondent police.

For Petitioners : Mr.D. Arun

For Respondent : Mr.S.Thankira
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest for the alleged offences under Sections 465,468, 471, 506(ii) and 420 of I.P.C, in Crime No.12 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are four accused in this case and the petitioners herein are ranked as A2 and A4. The case of the prosecution is that A1 to A3 were introduced by the petitioners/A2 to A4 to the defacto complainant stating that they are direct agents for one Sun Demolition Pte Limited and Renu Electricals Company which are functioning in Singapore. Thereafter, A1 and A3 made a false promise to the defacto that they will secure job in Singapore for his son and received Rs.2,70,000/- from him and thereby cheated him. Hence the complaint.

3.The learned counsel for the petitioners would submit that the main accused are A1 and A3, who dealt with the monetary transaction and these petitioners have only introduced A1 and A3 to the defacto complainant and provided shelter to him. He would further submit that they have not committed any offence as alleged by the prosecution. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners along with other accused gave an assurance to the defacto complainant that they will secure the job in Singapore and thereby collected a sum of Rs.3,00,000/- from him. He would further submit that petitioners have collected a sum of Rs.29,55,000/- from various persons and cheated them. He would also submit that A1 in this case had already arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that the only overtact against the petitioners is that they introduced A1 and A3, apart from that there is no serious allegation against the petitioners with regard to monetary transaction and the co-accused/A1 had been arrested and enlarged on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Thiruvavarur, Thiruvavarur District, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 petitioners 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].

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

With the above directions this criminal original petition is ordered.

-sd/-
26/02/2021

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 COURT,
THIRUVARUR, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THIRUVARUR DISTRICT.

+1CC to M/S.D.ARUN Advocate on payment of necessary charges SR
NO.2454

CRL OP.3059/2021

Date :26/02/2021

MK:15/03/2021

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