

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.2738 of 2021

M.Rajappan

... Petitioner

Vs.

State rep. By

The Inspector of Police,
Nangavalli Police Station,
Salem District.

(Crime No.Not Known of 2021)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.Not Known of 2021, on the file of the respondent.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI. Side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 of I.P.C. in Cr.No.Not Known of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have received money from various persons by making false promise of securing job, however, he neither secured job nor repaid the amount.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned counsel, on instructions, further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,00,000/- to the credit of the crime number, within a period of four weeks from the date of receipt of a copy of this order and also conceded the same to be disbursed proportionately to the

alleged affected persons. However, the learned counsel submitted that before disbursing the amount, an appropriate affidavit of undertaking shall be obtained from the alleged affected persons.

4.The learned Government Advocate (Criminal Side) submitted that based on the complaint lodged by the defacto complainant, a case in Cr.No.73 of 2021 for the offence under Section 420 of IPC has been registered. He further submitted that the investigation reveals that the petitioner has collected a sum of Rs.14,80,000/- from 14 persons.

5.Considering the fact that the petitioner is ready to deposit a sum of Rs.10 Lakhs, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Mettur, 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the credit of Cr.No.73 of 2021 before the learned Judicial Magistrate No.1, Mettur. On such deposit being made, the learned Judicial Magistrate No.1, Mettur, shall obtain an affidavit of undertaking from the affected persons in this case stating that in the event of the petitioner succeeding the case, the amount received by them in this case will be returned to the petitioner and after obtaining such affidavit of undertaking, shall disburse the amount deposited by the petitioner to the affected persons in this case, proportionately, within a period of two weeks thereafter;

(b) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/06/2021

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, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SUBASH Advocate on payment of necessary charges
Sr.6681

CRL OP.2738/2021

Date :17/06/2021

RVR 06/07/2021