

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.3252 of 2021

P.Prithviraj

... Petitioner

Vs.

State By

Inspector of Police,
District Crime Branch,
Vellore District.
(Crime No.33 of 2019)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail, in the event of his arrest by the respondent police, in the case pending investigation in Crime No.33 of 2019, on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

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

O R D E R

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 465, 468, 471, 420, 506(i) and 109 of I.P.C. in Cr.No.33 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused is alleged to have received money from various persons by making false promise of securing Government 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.3,00,000/- to the credit of the crime number 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 this is a case of job racketing. He further submitted that the accused have collected a sum of Rs.6 Lakhs from 33 persons.

5.Considering the fact that the petitioner is ready to deposit a sum of Rs.3 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Katpadi, 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.3,00,000/- (Rupees Three Lakhs Only) to the credit of Cr.No.33 of 2019 before the learned Judicial Magistrate, Katpadi. On such deposit being made, the learned Judicial Magistrate, Katpadi, 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,
KATPADI

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges
Sr.6592

WEB COPY

CRL OP.3252/2021

Date :17/06/2021

RVR 06/07/2021