

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5133 of 2021

SUNITH NAVJYOT JAIN

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
NAMAKKAL DISTRICT.
TAMIL NADU.
CRIME NO. 22 OF 2020.

For Petitioner : M/S. B.CHANDRAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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 Sections 406, 420, 506(i) r/w 120 (b) IPC, in Crime No.22 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had collected huge materials from the defacto complainant worth about of Rs.53,15,967. Thereafter, he has not paid the amount. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he is no way connected with the offence as alleged. He further submits that the petitioner without prejudice to his defence and contentions, is ready and willing to deposit amount to the credit of the defacto complainant. He would further submit that the allegation in the FIR totally amount of R.53,15,967 out of which

Rs.10,00,000/- already been paid and the remaining amount of Rs.43,15,967/- will be paid within three months and, prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner had collected huge materials from the defacto complainant worth about of Rs.53,15,967. Thereafter, he has not paid the amount. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the submission made by the learned counsel on either side and further considering the fact that the petitioner is ready and willing to pay a sum of Rs.43,15,967/- within a period of three weeks from the date of receipt of a copy of this order. this Court is inclined to grant anticipatory bail to the petitioner with some stringent conditions.

6.Accordingly, the petitioner is directed to pay the sum of Rs.43,15,967/- to the defacto complainant in three equal monthly instalments, the first of such instalment to start on the 17th May, 2021 and on the payment being made in full, the petitioner shall be released on bail in the event of arrest or on his surrender before the learned Chief Judicial Magistrate, Kumarapalayam, Namakkal by producing proof of payment and on further 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 sureties shall be accepted by the court below only on completion of the above payment by the petitioner, who shall produce the required acknowledgement in compliance of the above direction;

(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., for a period of two weeks and thereafter 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]; and;

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

-sd/-

29/04/2021

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 CHIEF JUDICIAL MAGISTRATE
KUMARAPALAYAM, NAMAKKAL.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. B.CHANDRAN Advocate on payment of necessary charges
SR.NO. 5569

WEB COPY

CRL OP.5133/2021

Date :29/04/2021

MN-17/05/2021