

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5874 of 2020

1 SATHISHKUMAR @ SATHISH
2 SELVAKUMAR
3 KARTHIK

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
R.8 VADAPALANI POLICE STATION,
VADAPALANI, CHENNAI.
(CRIME NO. 60/2020)

[RESPONDENT]

For Petitioner : M/S. M.VISHNU KUMAR Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offences under Sections 406 and 420 of I.P.C in Crime No.60 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are four accused in this case and the petitioners herein are A2 to A4. It is alleged that the petitioners induced the defacto complainant to invest money in the online business and assured that the monthly return will be not less than Rs.10,000/- and received a sum of Rs.2,50,000/- from the defacto complainant. Thereafter, the petitioners failed to repay the amount. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners only introduced the defacto complainant to the main accused A1 who is doing online business and the defacto complainant on his own interest invested the amount. He would further submit that the defacto complainant abducted the second petitioner and assaulted him with knife. Hence, the second petitioner filed a complaint in Cr.No.61 of 200. Hence he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public prosecutor would submit that the petitioners collected a sum of Rs.2,50,000/- from the defacto complainant to invest in the online business and thereafter failed to return the money and cheated the defacto complainant. He would further submit that the main accused/A1 was arrested and released on bail. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and there was a money dispute between the petitioners and the defacto complainant and the fact that the main accused/A1 was arrested and released on bail and the petitioners have also filed a counter case against the petitioner in Cr.No.61 of 2020, this court is inclined to grant anticipatory bail to the petitioners with stringent 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 XVII Metropolitan Magistrate Court, Saidapet, Chennai 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 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/-
03/03/2021

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 METROPOLITAN MAGISTRATE COURT NO.XVII,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
R.8 VADAPALANI POLICE STATION,
VADAPALANI, CHENNAI.

CC to M/S. M.VISHNU KUMAR Advocate on payment of necessary charges

CRL OP.5874/2020

Date :03/03/2021

MK:11/03/2021

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