

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6221 of 2020

B.JAGANATHAN

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE (CRIME),
P-5, M.K.B. NAGAR POLICE STATION,
CHENNAI.
(CRIME NO.139 OF 2020).

For Petitioner : M/S. K.BALASUBRAMANIAM 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420, 465, 467, 468, 471 of IPC, in Crime No.139 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had collected a sum of Rs.7 lakhs from the defacto complainant for assurance of getting a allotment of a flat at Tamil Nadu Housing Board, Further, the petitioner failed to get allotment and cheated the defacto complainant. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that the petitioner did not received any amount from the defacto complainant, only introduced one Kasthuri, she had collected the amount and the petitioner is also one of the victim and he also given the money. He would further submit that the petitioner has also given a complaint before the Inspector of Police, Royapettah Police Station, Chennai against one Kasthuri and the same is pending. He would further submit that the petitioner is ready and willing to deposit considerable amount without prejudice to his contention and prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner had collected a sum of Rs.7 lakhs from the defacto complainant for assurance of getting a allotment flat at Tamil Nadu Housing Board, Further, the petitioner failed to get allotment and cheated the defacto complainant. He would further submit that the petitioner is only received a money and he failed to repay the amount and the investigation is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner is the one of the victim and there is no previous case pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three lakhs only) to the credit of Crime No.139 of 2020, before the learned V Metropolitan Magistrate, Egmore, Chennai, within a period of six weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned V Metropolitan Magistrate, Egmore, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their 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] before executing sureties, the petitioner shall deposit a sum of Rs.3,00, 000/- (Rupees Three lakhs only) to the credit of Crime No.139 of 2020, before the concerned Judicial Magistrate, within a period of six weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
02/03/2021

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,
NO.V, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME),
P-5, M.K.B. NAGAR POLICE STATION,
CHENNAI.

5 THE INSPECTOR OF POLICE
ROYAPETTAH POLICE STATION,
CHENNAI.

+1 CC to M/S. K.BALASUBRAMANIAM Advocate on payment of
necessary charges SR.NO.2661

CRL OP.6221/2020

Date :02/03/2021

TA-11/03/2021