

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6133 of 2021

SANOY V.S.

[PETITIONER / ACCUSED]

Vs

INSPECTOR OF POLICE,
R-8, VADAPALANI POLICE STATION,
CHENNAI - 600 026.
CRIME NO.NOT KNOWN OF 2020.

[RESPONDENT]

For Petitioner : M/S. J.KARTHIK Advocate

For Respondent : M/S. P.KRITIKA KAMAL Govt. 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 offence under Section 420 of IPC 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 received a sum of Rs.45,00,000/- from the defacto complainant for meeting his business needs. When the defacto complainant asked to repay the same, the petitioner refused to repay. Based on the complaint given by the defacto complainant, the respondent police has registered a case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that out of Rs.45,00,000/-, the petitioner has repaid a sum of Rs.41,00,000/- and he is ready to repay the remaining money. Hence, the learned counsel prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has repaid a sum of Rs.41,00,000/- out of Rs.45,00,000/- .

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

6. the petitioner is directed to pay a sum of Rs.4,00,000/- (Rupees Four lakhs only) to the defacto complainant;

7. On payment of the receipt from the defacto complainant for having received the balance amount of Rs.4,00,000/- 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 XVII, Metropolitan Magistrate, Saidapet 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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/-
15/04/2021

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 METROPOLITAN MAGISTRATE 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,
CHENNAI - 600 026.

+1CC to M/S. J.KARTHIK Advocate on payment of necessary charges SR NO.4815

CRL OP.6133/2021

MK:21/04/2021

Date :15/04/2021

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