

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6654 of 2020

Nandhakumar

.. Petitioner/A1

Vs

State represented by
Inspector of Police,
Erode North Police Station,
Erode District.
(Crime No.456 of 2019)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on bail in the event of his arrest in Crime No.456 of 2019 pending investigation on the file of the Respondent.

For Petitioner : Mr.D.Magesh

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is A1. Apprehending arrest at the hands of the respondent police for the alleged offence under Section 420 of IPC in Crime No.456 of 2019 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was running a travel agency. For arranging foreign tour, the petitioner was paid a sum of Rs.79,00,000/- by various customers. Subsequently, the petitioner failed to arrange the foreign tour and refused to return the amount. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a travel agent and as he has not received the entire amount from the defacto complainant, due to various circumstances, he was not able to book the flight tickets and accommodation in the European countries and therefore the travel plane did not fructified, for which, the petitioner cannot be found fault with. Further the co accused were arrested and released on

bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner collected Rs.79 lakhs from various customers and he did not booked plane tickets or accommodation in Europe and he also failed to repay the amount.

5. Taking into consideration the facts and circumstances of the case, the other co-accused were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

(a) 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 No.1, Erode, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

(b) 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.

(c) The petitioner shall deposit a sum of Rs.30,00,000/- (Rupees thirty lakhs only) before the learned Judicial Magistrate No.1, Erode to the credit of Crime No.456 of 2019, within a period of four weeks from the date of receipt of a copy of this order.

(d) The petitioner shall appear before the respondent police every day 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
09/02/2021

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 NO.I,
ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE,
ERODE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S. D.MAGESH Advocate on payment of necessary charges SR NO. 1378

CRL OP.6654/2020

Date :09/02/2021

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