

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7225 of 2021

R.NARASHIMMA MOORTHY

[PETITIONER / ACCUSED]

Vs

STATE REP. BY ITS
THE INSPECTOR OF POLICE,
PAPARAPATTI POLICE STATION,
DHARMAPURI DISTRICT
CRIME NO.88 OF 2021

[RESPONDENT]

For Petitioner : M/S.J.PRADEEP Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN 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 Sections 294(b), 506 (1), 417 and 420 of IPC in Cr.No.88 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner received an amount of Rs.9,00,000/- from the defacto complainant and assured that he will arrange for Government Employment for the wife of the defacto complainant. But however, the petitioner neither secured any job to the defacto complainant's wife and nor returned the money. Therefore, he made a complaint against the petitioner to the respondent police. Hence, the present petition has been filed.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He also submitted that without going into the merits of the case, the petitioner is ready to give Rs.6,00,000/- to the defacto complainant. Accordingly, he prayed for anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the petitioner is working as a teacher. He cheated the defacto complainant by giving assurance for getting Government employment. Therefore, he opposed for grant of bail to the petitioner.

5.Considering the fact that the petitioner is ready to give Rs.6,00,000/- to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6.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, Pennagaram, Dharmapuri District, 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) the petitioner is directed to deposit a sum of Rs.6,00,000/- to the credit of Crime No.88 of 2021, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the Trial Court is directed to disburse the said amount to the defacto complainant within a period of two weeks.

(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 15 days and thereafter shall report before the respondent police on every Monday at 10.30 a.m., for a period of four 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/-
19/04/2021

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 JUDICIAL MAGISTRATE,
PENNAGARAM, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PAPARAPATTI POLICE STATION,
DHARMAPURI DISTRICT

+1CC to M/S.J.PRADEEP Advocate on payment of necessary charges
SR NO.5082

CRL OP.7225/2021

सत्यमेव जयते Date :19/04/2021

MK:29/04/2021

WEB COPY