

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.8449 of 2021

Senthilkumar

... Petitioner

Vs.

State rep. by

The Inspector of Police,
D-1, Triplicane Police Station,
Chennai District.

(Crime No.94 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 94 of 2020 pending on the file of the respondent.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

For Intervenor : Mr.Thenrajan

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 of IPC, in Crime No.94 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had received a sum of Rs.23,00,000/- from the defacto complainant for the purpose of getting house flat. Thereafter, neither any house flat was secured for the defacto complainant, nor the money was returned back to the defacto complainant. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.15,00,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.15,00,000/- will be returned to her.

4.Heard the submissions made by the learned Government Advocate (Crl.Side).

5. The learned counsel for the Intervenor would submit that the petitioner had cheated the defacto complainant to tune of Rs.23,00,000/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the fact that the petitioner is ready to deposit the amount of Rs.15,00,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 Metropolitan Magistrate No.II, Egmore, 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 shall deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the credit of Cr.No.94 of 2020 before the Metropolitan Magistrate No.II, Egmore, within a period of eight weeks from the date of receipt of a copy of this order . On such deposit being made, the learned Metropolitan Magistrate No.II, Egmore, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.15,00,000/- deposited by the petitioner to the credit of Cr.No.687 of 2020 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(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 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
17/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE METROPOLITAN MAGISTRATE NO.II,
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
D-1, TRIPLICANE POLICE STATION,
CHENNAI DISTRICT.

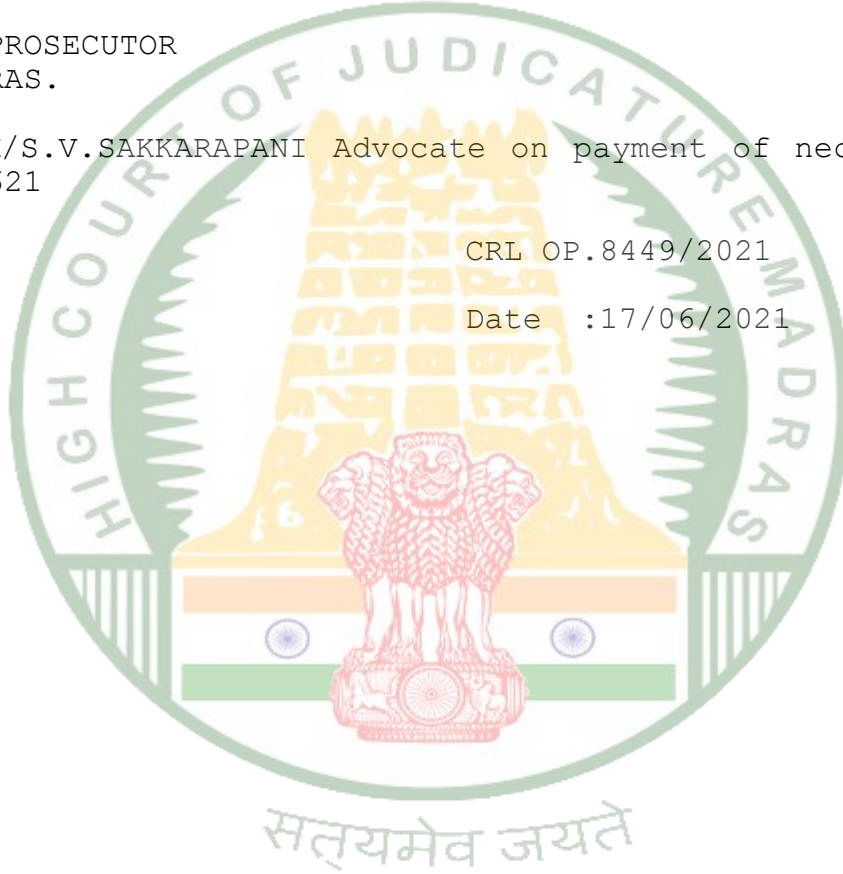
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.V.SAKKARAPANI Advocate on payment of necessary
charges SR NO.6621

CRL OP.8449/2021

Date :17/06/2021

MK:09/07/2021



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