

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.8354 of 2021

D.Senthil Kumar

... Petitioner

Vs.

State Represented by
Inspector of Police,
Economic Offences Wing - II,
Salem.
(Crime No.1 of 2021)

... 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 Crime No. 1 of 2021 on the file of the respondent.

For Petitioner : Mr.C.D.Sugumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 471, 420 of IPC and Section 5 of TN Protection of Interest of Depositors (In Financial Establishment) Act 1997 in Crime No.1 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner induced the defacato complainant and deposit the amount in the finance firm. Thereafter the defacto complainant had deposited a sum of Rs.3,00,000/- in the petitioner firm. Further, the amount was not repaid. 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, the petitioner is ready to deposit the amount of

Rs.2,00,000/- to the credit of the crime number and also conceded the same may be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking may be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.2,00,000/- will be returned to him.

4.Heard the submissions made by the learned Government Advocate (Cr1.Side).appearing for the respondent.

5.Considering the fact that the petitioner, on his own volition, is ready to deposit the amount of Rs.2,00,000/- to the credit of the crime number, 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 TANPID Court, Coimbatore, 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.2,00,000/- (Rupees Two Lakhs Only) to the credit of Cr.No.1 of 2021 before the TANPID Court, Coimbatore, within a period of four weeks from the date of receipt of a copy of this order . On such deposit being made, the TANPID Court, Coimbatore, 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.2,00,000/- deposited by the petitioner to the credit of Cr.No.1 of 2021 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/-
14/06/2021

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 TANPID COURT,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.D.SUGUMAR Advocate on payment of necessary charges
SR.NO. 6561

WEB COPY

CRL OP.8354/2021

Date :14/06/2021

MN-02/07/2021