



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.8502 of 2021

R. Shaktheeswaran

... Petitioner

Vs.

State Rep by
Inspector General of Police,
Central Crime Branch,
Greater Chennai Police,
EVK Sampath,
Chennai - 600 007
(Cr.No.90 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to grant anticipatory bail to the petitioner in the event of her arrest in Crime No.90 of 2021 pending investigation on the file of the respondent.

For Petitioners	:	Mr.V. Balasubramani
For Intervenor	:	Mr.J. James
For Respondent	:	Mr.C.E. Pratap Government Advocate (Crl. Side)

O R D E R

(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, 420 and 34 of I.P.C in Crime No.90 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A4 is a Managing Director of M/s Sri Krishna Works and he entered into a contract with the defacto complainant who is a contractor of A1 and also paid a sum of Rs.50,00,000/- Due to the pandemic situation the said contract was cancelled and hence the petitioner paid a sum of Rs.10,00,000/- and the balance amount of Rs.40,00,000/- has not yet paid. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner had already paid Rs.10,00,000/- to the defacto complainant. He further submits that since the defacto complainant has filed a criminal complainant, the Bank accounts of the petitioner has been freezed and requests to issue a direction to the authorities concerned to defreeze the bank accounts of the petitioner. On instructions, learned counsel further submits that if the accounts are defreezeed the petitioner is ready to pay the balance amount of Rs.40,00,000/- to the defacto complainant

4. The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner by stating that the petitioner cheated the defacto complainant to the tune of Rs.40,00,000/-.

5. The learned Government Advocate (Crl.Side) submits that the petitioner has cheated the defacto complainant by not paying the balance amount of Rs.40,00,000/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the submission made by the learned counsel on either side and further the petitioner, on his own volition, is ready and willing to pay the balance Rs.40,00,000/- to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with some stringent conditions.

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 CCB of CBCID Court at 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.40,00,000/ (Rupees forty lakhs only) to the credit of Cr.No.90 of 2021 before the learned CCB of CBCID Court at 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 Judicial Magistrate CCB of CBCID Court at 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.40,00,000/- deposited by the petitioner to the credit of Cr.No.90 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, the trial court 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/-
16/06/2021

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 CCB OF CBCID COURT
AT EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR GENERAL OF POLICE,
CENTRAL CRIME BRANCH,
GREATER CHENNAI POLICE,
EVK SAMPATH ROAD,
CHENNAI-600 007.

+1 CC to M/S.V.BALASUBRAMANI Advocate on payment of necessary
charges SR.No.6589

CRL OP.8502/2021

Date :16/06/2021

cs 14/07/2021