

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

CrI.O.P.No.9572 of 2021

AND CRL.MP.NO.6433 OF 2021

Anish Jai

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch,
Kancheepuram Police Station.
(Crime No.13 of 2021)

...Respondent

HDFC BANK LTD
REP BY G.SUBISH GEORGE
CLUSTER HEAD

..PETITIOENR/DEFACTO COMPLAINANT
ORDERED AS PER ORDER OF THIS COURT
DATED 23/06/2021 MADE
IN CRL.MP.NO.6433/2021

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.13 of 2021 on the file of respondent police.

For Petitioner : Mr.R.Karunakaran

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

For Intervenor : M/s. C.Senapathi

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 465, 468, 471 and 420 r/w. Section 34 of IPC, in Crime No.13 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had produced the dubious cheque and tried to transfer the money through RTGS to the tune of Rs.3,90,00,000/ and cheated the bank. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the

prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.50,000/- for the purpose of improving and maintaining the Government Schools.

4.The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner.

5. The learned counsel for the Intervenor submits that the petitioner had produced the dubious cheque and tried to transfer the money through RTGS to the tune of Rs.3,90,00,000/ and cheated the bank. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6. Today, when the matter is taken for hearing, Mr.Selvaganesan, Bank Manager, HDFC Bank, Sriperumbudur Branch, is present before this Court, the Bank official stated that entire amount has been recovered and Mr. Babu, Sub Inspector of Police, DCB, Kanchipuram, is present before this Court.

7. Considering facts and circumstances of the case and also the fact that entire amount has been recovered, there being no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

8.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.I, Kanchipuram, on condition that the petitioner shall execute 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)if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Commissioner, Greater Chennai Corporation, Chennai for the rehabilitation and improvement of the basic needs of the Corporation Schools in the said District under necessary acknowledgement, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/ acknowledgment, shall accept the sureties furnished by the petitioner;

(c)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;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]; and;

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

-sd/-

23/06/2021

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 JUDICIAL MAGISTRATE,
NO.I, KANCHIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KANCHEEPURAM POLICE
STATION, KANEHRRPURAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE COMMISSIONER, GREATER
CHENNAI CORPORATION, CHENNAI

CC to M/S.R.KARUNAGARAN Advocate on payment of necessary
charges Sr.6746

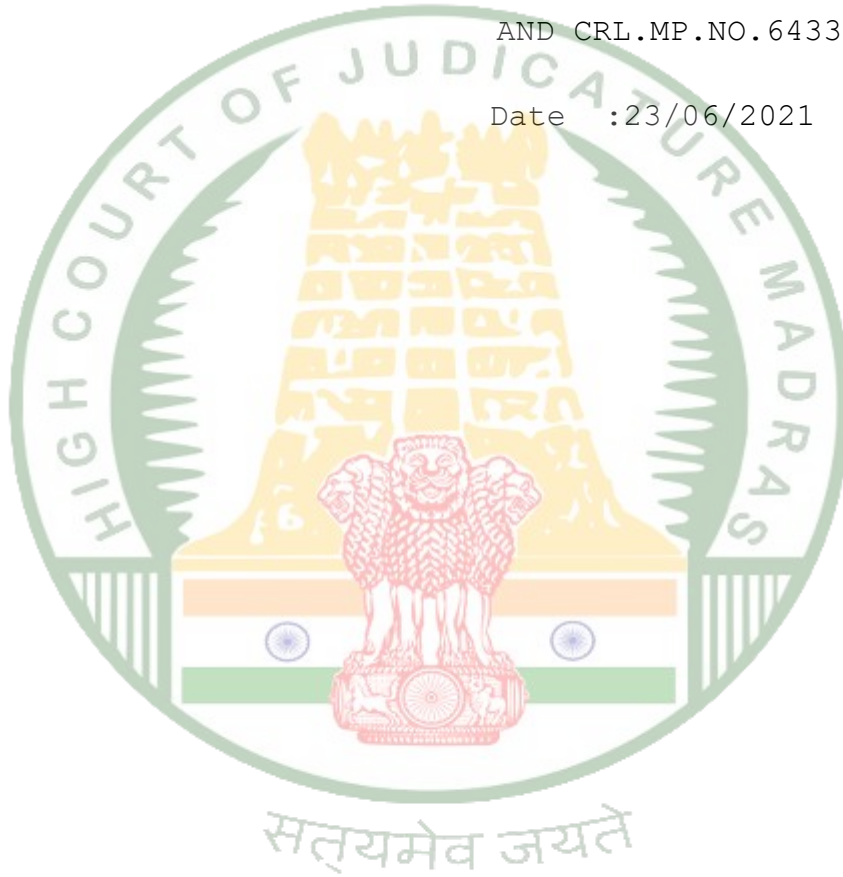
CC to M/S.C.SENAPATHI Advocate on payment of necessary
charges Sr.6737

CRL OP.9572/2021

AND CRL.MP.NO.6433 OF 2021

Date :23/06/2021

RVR 08/07/2021



WEB COPY