

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10551 of 2021

1. S.P. Shankar

2. V. Niranjana

... Petitioners

Vs.

State by

The Inspector of Police,  
District Crime Branch, Vellore  
(Cr.No.7 of 2019)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.7 of 2019 on the file of the Inspector of Police, Salem Town Police Station, Salem City.

For Petitioners : MR.R. Manickavel

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 406, 420 of IPC. in Crime No.7 of 2019, on the file of the respondent police, seek anticipatory bail.

2. Totally there was four accused in this case and the petitioner herein are A3 and A4. The case of the prosecution is that the petitioners along with other accused have collected a sum of Rs.3,00,000/- from the defacto complainant for the purpose of getting job. Thereafter, the petitioners neither secured job nor returned the money, which led to the filing of the complaint. Further, the petitioners have collected a sum of Rs.11,00,000/- from several persons for the purpose of getting job. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that even in the complaint and also in the Fir it was stated that the payment was made only to A1 and A2 and these petitioners are A3 and A4. He further submits that for A1 and A2 this Court had already granted anticipatory bail in Crl.O.P.No.19130 of 2021 dated 16.06.2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the petitioners along with other accused have collected a sum of Rs.11,00,000/- from several persons for the purpose of getting job. Thereafter, the petitioners neither secured job nor returned the money and cheated the defacto complainant and other persons. Hence he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that this Court had already granted anticipatory bail to the co-accused in Crl.O.P.No.19130 of 2021 dated 16.06.2021a, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III at Vellore on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 petitioners 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;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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;

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

-sd/-  
22/06/2021

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.III,  
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
VELLORE.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.R.MANICKAVEL Advocate on payment of necessary  
charges SR NO.6695

CRL OP.10551/2021

Date :22/06/2021

MK:09/07/2021