

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.9797 of 2021

Babu

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
(Vellore District)

... 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.201 of 2021 pending on the file of the Respondent.

For Petitioner : Mr.E.Kannadasan

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 170, 409, 465, 468, 471, 420 and 109 of IPC, in Crime No.201 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had obtained a loan to the tune of Rs.5,20,000/- from the Nationalized bank by submitting forged document and get loan. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. Hence, he prays to grant of anticipatory bail to the petitioner.

4.Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. The learned counsel, on instructions, submits that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.4,00,000/- 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.4,00,000/- will be returned to him.

6. Considering the fact that the petitioner is ready to deposit the amount of Rs.4,00,000/- to the credit of the crime number in two installments, 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 District Munsif cum Judicial Magistrate, Arcot, 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.4,00,000/- (Rupees Four Lakhs Only) to the credit of Cr.No.201 of 2021 in two installments, i.e., Rs.1,00,000/- shall be deposited within a period of four weeks from the date of receipt of copy of this order and the remaining balance amount of Rs.3,00,000/- shall be deposited within a further period of two months thereafter before the District Munsif cum Judicial Magistrate, Arcot, On such deposits being made, the District Munsif cum Judicial Magistrate, Arcot, shall obtain an affidavit of undertaking that from the defacto complainant in relation to the cheque amount to the effect that in the event of the accused coming out successful, the defacto complainant would return the amount to the accused and, thereafter, disburse the said amount of cheque 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

TRUE COPY

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

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S E.KANNADASAN Advocate on payment of necessary charges

CRL OP.9797/2021

Date :17/06/2021

MK:14/07/2021