

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.9846 of 2021

1. K.Velumani
2. Swetha

... Petitioners

Vs.

State Represent by
Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai District,
(Crime No.230 of 2021)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.230 of 2021 on the file of the respondent.

For Petitioners : Mr.R.Meenakshi

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 and 506(1) of IPC. in Crime No.230 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had collected a sum of Rs.6 lakhs from the defacto complainant for assurance of getting a allotment of a flat at Tamil Nadu Housing Board, Further, the petitioners along with other accused persons have created a forged allotment order and issue to the defacto complainant. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He further submit that the amount of Rs.2,50,000/- has been recovered. The learned counsel, on instructions, would further submit

that the petitioners, without prejudice to their rights, are ready to deposit the amount of Rs.2,70,000/- 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 petitioners succeeding the case, the amount of Rs.2,70,000/- will be returned to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the investigation has been completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that the petitioners are ready to deposit the amount of Rs.2,70,000/- to the credit of the crime number, 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.1, Tambaram, on condition that each of 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 petitioners shall deposit a sum of Rs.2,70,000/- (Rupees Two Lakhs Seventy Thousand Only) to the credit of Cr.No.230 of 2021 before the learned Judicial Magistrate No.1, Tambaram, within a period of four weeks from the date of receipt of a copy of this order . On such deposit being made, the learned Judicial Magistrate No.1, Tambaram, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.2,70,000/- deposited by the petitioners to the credit of Cr.No.230 of 2021 will be returned to the petitioners 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 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;

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

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

(e)the petitioners 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 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;

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

-sd/-

15/06/2021

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, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
S-6, SANKAR NAGAR POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

CC to M/S.R.MEENAKSHI Advocate on payment of necessary charges
Sr.6556

CRL OP.9846/2021

Date :15/06/2021

RVR 25/06/2021