

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.Nos.9917 and 9922 of 2021

and Crl.M.P.No.6550/2021

Abdul Muneer ...Petitioner in Crl.O.P.No.9917/2021

K.Sampath ...Petitioner in Crl.O.P.No.9922/2021

Versus

State represented by ...Respondent in both petitions
The Inspector of Police,
Vigilance and Anti Corruption,
Vellore, Vellore District.
(Crime No.6 of 2021)

E.PARASURAMAN ...DEFACTO COMPLAINANT

[Ordered as per order of this court dated 22.06.2021 made in Crl.MP.6550 of 2021 in Crl.OP.9922/2021]

COMMON PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of apprehending arrest in the Crime No.6 of 2021 on the file of the respondent.

For Petitioners: Mr.B.Sekar

For Intervenor : Mr.P.Wilson, Senior Counsel

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 409, 109 IPC and Section 13(2) r/w 13(1)(d) IPC in Cr.No.6 of 2021, on the file of the respondent police, seek anticipatory bail.

2. This Court, having satisfied with the reasons assigned in the affidavit filed in support of the intervenor miscellaneous petition, is ordered the same.

3. The case of the prosecution is that the petitioners herein colluded with each other, registered the documents without following the law and fixed the value of the property. The petitioners apprehending arrest at the hands of the respondent Police seek anticipatory bail.

4. The learned counsel appearing for the petitioners submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

5. However, the learned counsel appearing for the petitioners as well as the learned Senior Counsel appearing for A1 / intervenor submitted that petitioners / accused persons are ready to deposit a sum of Rs.90,01,245/- in favour of Inspector General of Registration, Santhome High Road, Chennai, in the interest bearing account and prays to grant anticipatory bail to the petitioners.

6. The learned Government Advocate (Crl.Side) opposed this petition by stating since the misappropriated amount is huge in nature, the petitioners are not entitled for anticipatory bail.

7. Considering the nature of case and based on the undertaking given by the petitioners to deposit the amount, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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 Chief Judicial Magistrate and Special Judge, Vellore, 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)if the petitioners failed 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 petitioners shall make a deposit of Rs.90,01,245/- (Rupees Ninety Lakhs One Thousand Two Hundred and forty five only) to the Inspector General of Registration, Santhome High Road, Chennai, in an interest bearing account, within a period of two weeks from today, without prejudice to their defence before the trial Court and produce proof of payment and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(c) if the petitioners succeeds in the criminal case as well as in the 47A proceedings, they may be permitted to withdraw the said amount;

(d) 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;

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

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

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

(h) 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;

(i) 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 CHIEF JUDICIAL MAGISTRATE AND SPECIAL JUDGE,
VELLORE.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
VELLORE, VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR GENERAL OF REGISTRATION,
SANTHOME HIGH ROAD, CHENNAI.

+2 CC to M/S.B.SEKAR Advocate on payment of necessary charges SR.NO.
6708, 6709

CRL OP.9917 & 9922/2021
& CRL MP.6550/2021

Date :22/06/2021

MN-07/07/2021



WEB COPY