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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM :

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.10926 of 2021

Harikumar

... Petitioner

Vs

1. The Inspector of Police
K-5 Peravalur Police Station
Chennai District
(Crime No.186 of 2021)

2. The Inspector of Police
CCB-Chennai
Vepery,
Chennai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in Crime No.186/2021 on the file of the respondents.

For Petitioner : Mr.S.Pushpakaran

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1.Side)

For Intervenor : Mr.Senthilnathan

ORDER

The Petitioner has filed this petition seeking to enlarge the petitioner on bail for the offences punishable under Sections 406, 420 of I.P.C, in Crime No.186 of 2021, while granting bail.

2.Heard both sides.

3.The learned Government Advocate (Cr1.Side) submitted that the petitioner has collected huge amount from various persons. The learned counsel appearing for the intervenor/defacto complainant vehemently opposed for grant of bail to the petitioner.

4.Since it is a second bail application and the petitioner is in custody for more than 89 days and investigation has not culminated into



filing of charge sheet, this Court is of the view that even otherwise the petitioner will be entitled to get statutory bail. Though the offences appears to be serious, since the prosecution has not shown any interest to file a final report, the petitioner is entitled to bail.

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5. The petitioner is therefore directed to deposit a sum of Rs.50,00,000/- to the credit of Crime No. 186 of 2021 as undertaken before this Court in the earlier bail application in CrI.O.P.No7.8342 of 2021. On such deposit, the petitioner is ordered to be released on bail, subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Central Prison, Puzhal, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore, Chennai.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically be vacated.

(d) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(e) the petitioner shall report before the second respondent Police, daily at 10.30 a.m. until further orders;

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

(g) the petitioner 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 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;



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

-sd/-
13/07/2021

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This order, on being produced, be punctually observed and carried into execution by all concerned

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

TO

1 THE V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHEIF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
K-5, PERAVALUR POLICE STATION,
CHENNAI DISTRICT.

4 THE INSPECTOR OF POLICE
CCB-CHENNAI, VEPEY,
CHENNAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.S.PUSHPAKARAN Advocate on payment of necessary charges
SR.NO. 7343

CRL OP.10926/2021

Date :13/07/2021

MN-14/07/2021