

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10609 of 2021

D.Loganathan

...Petitioner

Versus

State Rep. by
The Inspector of Police,
C.C.B.Police Station, Tirupur
(Cr.No.03 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.03 of 2021 on the file of the respondent Police.

For Petitioner : Mr.V.Vijay Shankar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 120B, 406, 465, 417 and 420 IPC in Cr.No.03 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner herein, A1 and A2 were business partners. As per the business agreement, the accused persons, on receiving money from the defacto complainant, involved in getting auctioned vehicles from the Bank and sell it in high price than the charged amount and mobilize their profits. In order to release amount from the Bank, which were made for releasing the vehicles, seized for non payment of loan dues, the petitioner herein impersonated as a Bank Manager and received a sum of Rs.1 lakh and further the accused persons defrauded the defacto complainant and misappropriated huge amount of money from him. The defacto complainant was not able to get back his amount from the accused persons and hence he lodged a complaint before the respondent Police.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution

and he has been falsely implicated in this case. However, on instructions, the learned counsel would submit that the petitioner, on his own volition, is ready and willing to pay the sum of Rs.1,00,000/- to the defacto complainant, without prejudice to his rights.

4.The learned Additional Public Prosecutor submitted that the allegation against the petitioner is that he has received a sum of Rs.1,00,000/- from the defacto complainant for securing amount from the Bank and there is no previous case against the petitioner.

5.Considering the nature of the case and based on the undertaking given by the petitioner to deposit the amount, I am inclined to grant bail to the petitioner.

6.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 learned Judicial Magistrate III, Tirupur, 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 petitioner 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 petitioner shall make deposit of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Cr.No.03/2021 on the file of the respondent without prejudice to his defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant that if the petitioner succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the defacto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;

(c)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;

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

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

(f)the petitioner shall not abscond either during investigation or trial;

(g)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;

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

-sd/-

18/06/2021

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
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
CCB POLICE STATION, TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. V.VIJAY SHANKAR Advocate on payment of necessary charges SR.NO. 6675

CRL OP.10609/2021

Date :18/06/2021

MN-09/07/2021