

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.11077 of 2021

P.Veeramani

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
E-10, Kayar Police Station,
Chengalpattu District.
(Crime No.143 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.143 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.Rajavelu

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

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 and 506(i) of IPC in Cr.No.143 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complaint has paid a sum of Rs.36,000/- to Anbagam, a organisation run by the petitioner, for taking care of her mentally disturbed and physically disabled uncle. On receiving the said amount, he left her uncle in her house without informing the defacto complainant and found that her uncle was injured.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he is falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.36,000/- 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, amount of Rs.36,000/- will be returned to him.

4.The learned Government Advocate submits that the petitioner is running a organisation, has received a sum of Rs.36,000/- from the defacto complainant for taking care of her uncle. After receiving the said amount, the petitioner has not given proper treatment and without giving any information, the petitioner left over the defacto complainant's uncle at her house.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with following conditions:

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-I, Chengalpattu 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 is shall deposit a sum of Rs.36,000/- (Rupees Thirty Six thousand only) to the credit of Cr.No.143 of 2021 before the learned Judicial Magistrate-I, Chengalpattu, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Judicial Magistrate-I, Chengalpattu, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.36,000/- deposited by the petitioner to the credit of Cr.No.1764 of 2020 will be returned to the petitioner 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 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 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;

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

-sd/-
29/06/2021

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,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
E 10 KAYAR POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S M.RAJAVELU Advocate on payment of necessary
charges SR NO.6905

CRL OP.11077/2021

Date :29/06/2021

MK:13/07/2021