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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.12742 of 2021

J.Swarna

...Petitioner

Versus

State Rep. By
The Inspector of Police,
District Crime Branch,
Villupuram District.
(*)Cr.No.20 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 **(*)Cr.No.20 of 2021.** on the file of the respondent Police.

For Petitioner : Mr.K.Pradeep Raj

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged **(*)offence under Section 406, 417, 420 and 506(ii)** and 420 IPC in **(*)Cr.No.20 of 2021.** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has received a sum of Rs.20 lakhs from the defacto complainant, with a promise to get job for her. When the defacto complainant asked for job, he neither replied nor paid back the amount. Hence this complaint.

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 submitted that the petitioner, on his own volition, is ready and willing to pay the sum of Rs.11,00,000/- to the defacto complainant, without prejudice to his rights.



4.The learned Government Advocate (Crl.Side) submitted that under the guise of getting job for the defacto complainant, the petitioner has swindled huge sum of amount from her and hence he opposed for grant of anticipatory bail.

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 two weeks from the date of receipt of a copy of this order, before the learned **(*)Judicial Magistrate I, Tindivanam**, 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.11,00,000/- (Rupees Eleven Lakhs only) to the credit of the defacto complainant in the presence of the respondent Police, within a period of two weeks from the date of receipt of a copy of this order without prejudice to his defence before the trial Court and if the petitioner succeeds in the case, the said amount would be refunded back to him. 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/-
23/07/2021

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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.

[*] Amended as per order of this Court dated 07/09/2021 made in CRL.MP.NO.8745 OF 2021. in CRL.O.P.NO.12742 OF 2021.

TO

**(*) THE JUDICIAL MAGISTRATE,
NO.I, TINDIVANAM.**

2 THE JUDICIAL MAGISTRATE,
NO.II, VILLUPURAM.

3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM DISTRICT.

+1 CC to M/S.K.PRADEEP RAJ Advocate on payment of necessary charges SR.NO.9645

CRL OP.12742/2021

Date :23/07/2021

TA-12/08/2021.

TA-22/09/2021.