



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12833 of 2021

V.Selvamani

... Petitioner

Vs.

The State represented by  
The Inspector of Police,  
Chinnasalem Police Station,  
Chinnasalem,  
Kallakurichi (DT).  
(Crime No.651 of 2021)

... Respondent

**Prayer:**

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of arrest in Crime No.651 of 2021, pending investigation on the file of the respondent.

For Petitioner : Mr.L.Muthusamy

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

**O R D E R**

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 341, 294(b), 323 and 506(2) of I.P.C. in Cr.No.651 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner made false promise that he will secure a job for the defacto complainant and received a sum of Rs.4,50,000/- from the defacto complainant and thereafter neither secured the job nor returned the money.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned, on instructions, further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.4,50,000/- 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 appropriate affidavit of undertaking shall be obtained from the defacto complainant.

4. Heard the submissions made by the learned Government Advocate (Crl. Side).

5. Considering the fact that the petitioner is ready to deposit a sum of Rs.4,50,000/-, this Court is inclined to grant anticipatory 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 II, Kallakurichi, 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 shall deposit a sum of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand Only) to the credit of Cr.No.651 of 2021 before the learned Judicial Magistrate II, Kallakurichi. On such deposit being made, the learned Judicial Magistrate II, Kallakurichi, 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.4,50,000/- deposited by the petitioner 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/-

27/07/2021

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.II, KALLAKURICHI

2 THE CHIEF JUDICIAL MAGISTRATE  
VILUPPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
CHINNASALEM POLICE STATION,  
CHINNASALEM,  
KALLAKURICHI DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S L.MUTHUSAMY Advocate on payment of necessary charges

CRL OP.12833/2021

Date :27/07/2021

RW 03/08/2021