



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13175 of 2021

JAYAPRAKASH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM DISTRICT.
CR.NO.20 OF 2021.

[RESPONDENT]

For Petitioner : M/S. K.PRADEEP RAJ Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following 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) 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 1st accused 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 and the petitioner is the husband of the first accused. 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. It is further submitted that A1, who is his wife has been implicated and she has paid an amount of Rs.8 lakhs to the defacto complainant. It is further submitted that A1 had been granted anticipatory bail by this Court in Crl.O.P.No.12742/2021 by order dated 23.07.2021 on condition of deposit of Rs.11 lakhs. The petitioner is working in Uttar Pradesh in NLC and not connected with the case. Hence, he prays for grant of



anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that under the guise of getting job for the defacto complainant, the petitioner's wife has swindled huge sum of amount from her. It is further submitted by the learned Government Advocate that bail has been granted to A1 in Crl.O.P.No.12742/2021 on condition to deposit Rs.11 lakhs.

5.Considering the nature of the case and further that anticipatory bail has already been granted to A1 imposing certain conditions, I am 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 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 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. for a period of two weeks and thereafter as and when required for the purpose of interrogation;

(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.

WEB COPY

-sd/-

29/07/2021

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.I,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. K.PRADEEP RAJ Advocate on payment of necessary charges

CRL OP.13175/2021

Date :29/07/2021

APN 18/08/2021