

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.13168 of 2021

B.Pasupathy

...Petitioner

Versus

The State rep by its
The Inspector of Police,
CCB-I Police Station
Chennai District
(Crime No.90 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the Respondent Police pending investigation in Crime No.90 of 2021 on the file of the respondent Police.

For Petitioner : Mr.A.V.Arun

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

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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 and 34 IPC in Crime No.90 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a business transaction between the petitioner and the de-facto complainant, for which, the petitioner has to supply gloves to the tune of Rs.50,000/-, however, he neither supply the materials nor refund the money and hence, a complaint has been lodged by the defacto complainant.

3.The learned counsel appearing for the petitioner submitted that in fact, out of Rs.50 lakhs, Rs.25 lakhs amount has been repaid. However the balance amount has not been repaid and due to the pendency of the case, the petitioner's account has been freezed. He would further submit that if the account of the petitioner is de-freezed, then the petitioner

will be able to pay the remaining amount.

4.The learned Government Advocate (Crl.Side) has no objection for grant of bail to the petitioner.

5.Considering facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain 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 ***Special Court for CCB Cases, Chennai***, on condition that

(i)the respondent police shall de-freeze the account of the petitioner and immediately after de-freezing the account, the petitioner is directed to deposit a sum of Rs.25 lakhs in Crime No.90/2021, within a period of two weeks from the date of receipt of a copy of this order and thereafter, the said amount shall be disbursed in favour of the de-facto

complainant, after obtaining proper acknowledgement.

(ii) He 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;

(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

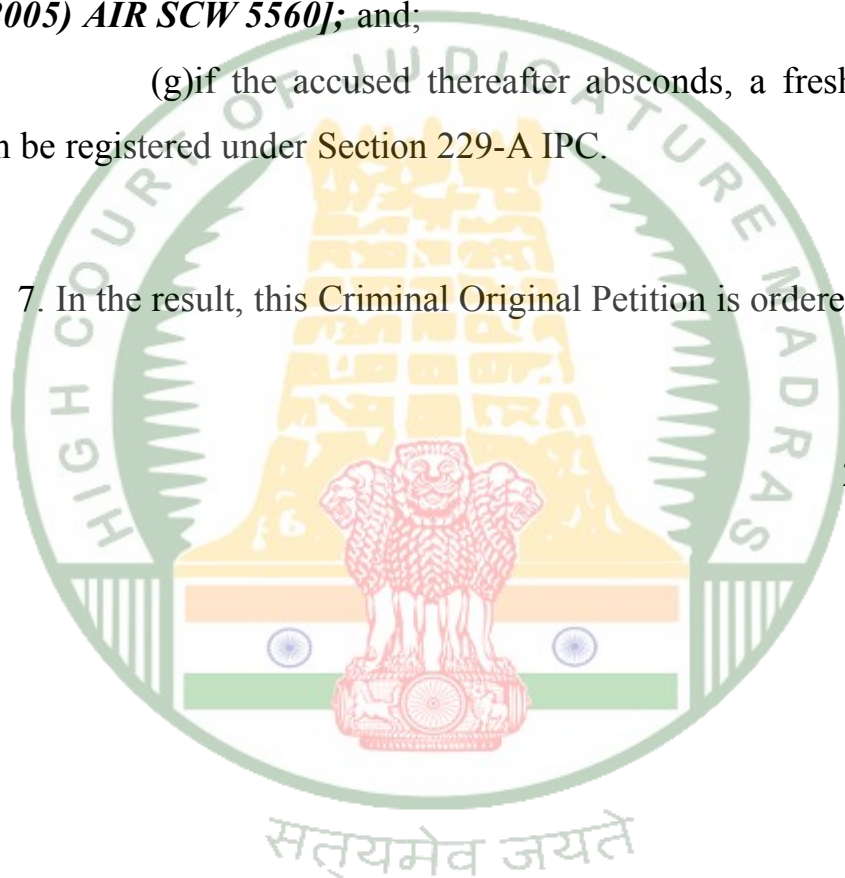
learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

7. In the result, this Criminal Original Petition is ordered.

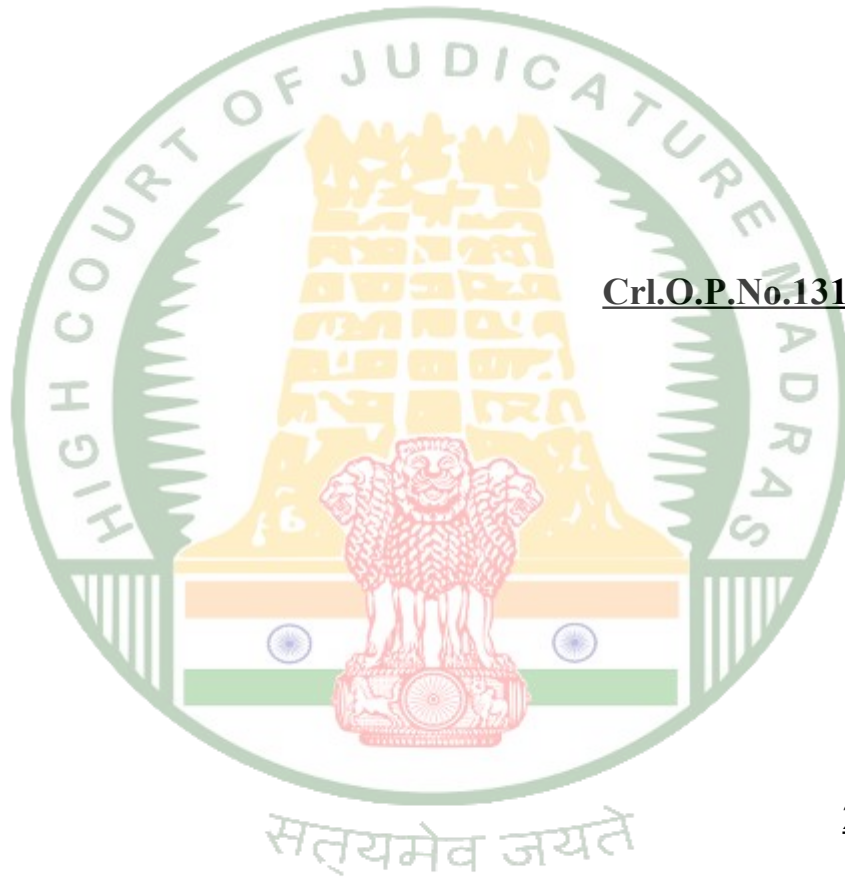
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