



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Fourth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.13173 of 2021

C.K.DILIP KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EDF-1, TEAM-1,
VEPERY, CHENNAI.
(CRIME NO. 102/2021)

[RESPONDENT]

For Petitioner : M/S.V.R.APPASWAMEE Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervener : MR.RAMANATHAN, Advocate

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 Sections 406, 420 r/w, 120(B) IPC in Cr.No.102 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that it is alleged by the defacto complainants that they have entered into a business agreement with one Dinu (A1), who is residing at Dubai to start a medical billing company at Dubai. The defacto complainants believing the words of A1, have invested nearly 60 lakhs for the said business at Dubai, however he did not start the business and looted the money with his associates and failed to return the amount. Hence this complaint.

3.The learned counsel appearing for the petitioner submitted that the main allegation against this petitioner is that he is the College Junior of the 3rd complainant and working at Dubai. During that period insisted the defacto complainants to invest in that project and further allegation is that he had close association with the main accused in receiving amounts from the defacto complainants. The fact is that it was the defacto complainants who introduced A1 to this petitioner to assist the accused in Dubai. The petitioner is unaware of A1. Further the defacto complainant used the petitioner



for their money transfer to A1. Likewise the defacto complainant transferred a sum of Rs.3,50,000/- in the petitioner's account and the same was transferred and handed over to A1 as per the instructions of the defacto complainants. 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 without prejudice to his rights, on his own volition, is ready and willing to deposit a sum of Rs.3,00,000/- to the credit of Crime Number .

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case.

5. The learned counsel appearing for the intervenor submitted that the accused persons jointly insisted the defacto complainants to invest in business and cheated a total amount around a sum of Rs.85,00,000/- and strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is of the view that it appears that the defacto complainant transferred a sum of Rs.3,50,000/- to the petitioner herein through bank transfers. Further now the petitioner is ready to deposit a sum of Rs.3,00,000/-. Hence 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 fifteen days from the date of receipt of a copy of this order, before the learned CCB & CBCID Metropolitan Magistrate Court at Egmore, Chennai, 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 directed to surrender his Passport to the Investigating Officer.

(b)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;

(c)the petitioner shall shall make deposit of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Cr.No.102/2021 on the file of the respondent Police without prejudice to his defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant that if the petitioner succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the defacto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;



(d) 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;

(e) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;

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

-sd/-
04/08/2021

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 CCB & CBCID METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. (FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EDF-1, TEAM-1,
VEPERY, CHENNAI.

<https://hcservices.ecourts.gov.in/hcservices/>



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges SR.NO.8138

CRL OP.13173/2021

Date :04/08/2021

INBA 13/08/2021