

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.13163 of 2021

R.Kumar

...Petitioner

Versus

The State rep by its
The Inspector of Police,
Edappadi Police Station
Salem District
(Crime No.415 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.415 of 2021 on the file of the respondent Police.

For Petitioner : Mr.R.Jayaprakash

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 IPC in Crime No.415 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the collection agent and he collected a sum of Rs.2,06,350/-, out of which, he repaid only a sum of Rs.4,000/- and hence, a complaint has been lodged by the defacto complainant.

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 further submitted that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.60,000/- (Rupees Sixty thousand only) within a period of four weeks.

4.The learned Government Advocate (CrI.Side) and the learned counsel for the intervenor vehemently opposed for grant of anticipatory 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 ***District Munsif cum Judicial Magistrate Court, Edappadi,*** on condition that

(i)the petitioner shall deposit a sum of Rs.60,000/- (Rupees sixty thousand only) to the credit of Crime No.415 of 2021, which shall be disbursed to the defacto complainant under proper acknowledgement and affidavit of undertaking.

(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.

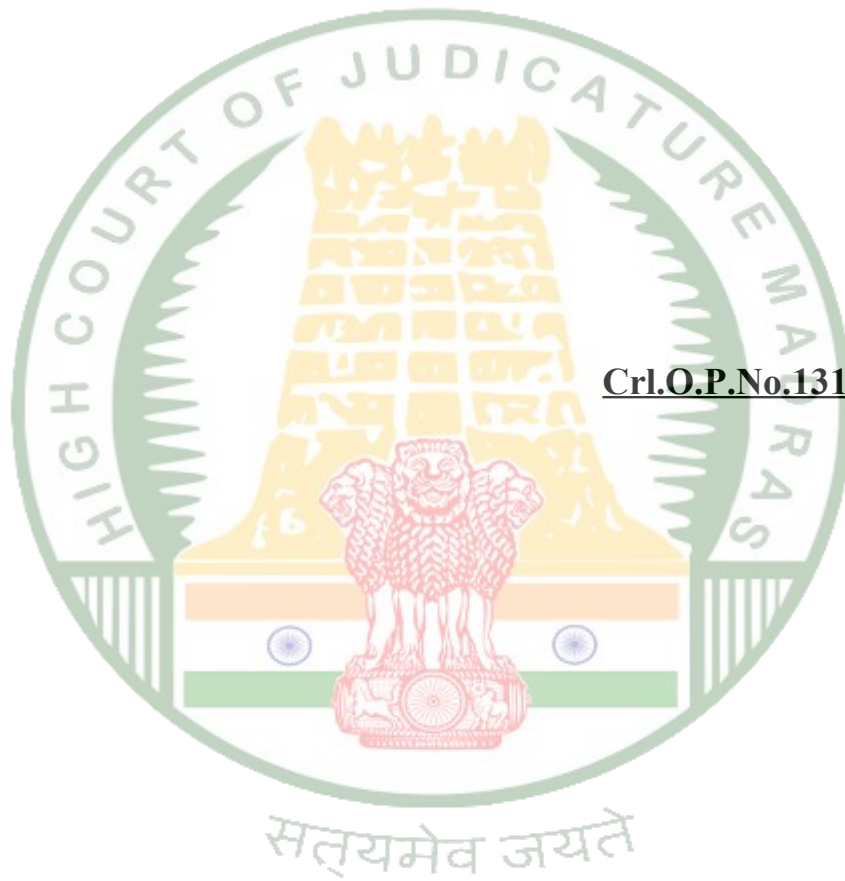
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M.DHANDAPANI,J.
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