

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

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18233 of 2020

KISHORE KUMAR

[PETITIONER / ACCUSED]

Vs

1.THE STATE REP.BY [RESPONDENT/COMPLAINANT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.
CRIME NO.13 OF 2019.

NOW TRANSFERRED TO

THE STATE REP.BY
THE INSPECTOR OF POLICE,
W-31,ALL WOMEN POLICE STATION,
ST, THOMAS MOUNT, CHENNAI.
CRIME NO.02 OF 2019.

For Petitioner : M/S. M.GURUPRASAD Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 417, 420, 376 and 506(i) of IPC in Crime No.02 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to difference of opinion, the defacto complainant got divorce from her husband. It is further stated that she got acquaintance with the petitioner and that the petitioner expressed his intention to marry her. Swayed away with the words of the petitioner, when she was in sedative state, the petitioner had physical relationship with her and took videos. Subsequently, she was demanded money by showing the video footage and extracted totally to the tune of Rs.56 lakhs from her and also refused to marry her and thereby cheated. Hence, the present

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he is no way connected with the offence as alleged. He further submits that the petitioner without prejudice to his defence and contentions, in order to show his bona fide, on his own volition, is ready and willing to deposit a considerable amount to the credit of above crime number and, prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is said to have cheated the defacto complainant to the tune of Rs.56 lakhs. The value involved being very substantial, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the submission made by the learned counsel on either side and further considering the fact that the petitioner, on his own volition, is ready and willing to deposit a considerable amount, to be ordered by this Court to the credit of the above crime number, this Court is inclined to grant anticipatory bail to the petitioner with some stringent conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10 lakhs to the credit of the crime number, which is subject matter of the present petition, within a period of four weeks from the date on which the order copy is made ready and on such payment being made, the petitioner shall be released on bail in the event of arrest or on their surrender before the learned Judicial Magistrate, Alandur and on further 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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;

(b) the petitioner is directed to deposit a sum of Rs.10 lakhs to the credit of Crime Number which is the subject matter of the present petition and thereafter, the defacto complainant is permitted to withdraw the amount.

(c) the final order in respect of the said deposit shall be decided by the learned trial judge at the conclusion of the trial. If the petitioner succeeds in the criminal case, the amount has to be refunded.

(d) the petitioner shall report before the respondent police as and when required for interrogation;

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

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

(g)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;

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

-sd/-

08/04/2021

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, ALANDUR.

2.THE CHIEF JUDICIAL MAGISTRATE
CHENNAI DISTRICT. (FOR INFORMATION)

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.
CRIME NO.13 OF 2019.

4.THE INSPECTOR OF POLICE,
W-31, ALL WOMEN POLICE STATION,
ST, THOMAS MOUNT, CHENNAI.

5.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.18233/2020

Date :08/04/2021

TK/23.04.2021

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