



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

Monday, the Thirteenth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16360 of 2021

1 SADASIVAM
2 PREMALATHA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
COIMBATORE.
(CRIME NO.15/2021)

[RESPONDENT]

For Petitioner : M/S R.C.PAUL KANAGARAJ Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

For Intervenor : MR. D.THIRUMOORTHY Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406 & 420 IPC in Cr.No.15 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are husband and wife induced the De-facto Complainant to invest money in their business and assured that 40% profit of the amount invested along with the original investment amount will be returned to the De-facto complainant. Believing the words of the petitioners, the De-facto Complainant and her husband gave a sum of Rs.20,00,000/- to the petitioners. Thereafter the petitioners neither paid the interest nor returned the money received from the De-facto Complainant. Hence this complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further he submitted that it is seen from the account statement of the De-



facto Complainant that only a sum of Rs.10,00,000/- has been transferred as investment and the same was already returned by the petitioners to the De-facto Complainant and she is illegally claiming another sum of Rs.10,00,000 as investment made on behalf of her husband. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.5,00,000/- to the credit of Cr.No.15/2021 on the file of the respondent. Hence he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor and the learned counsel appearing for the intervenor submitted that since the De-facto Complainant was cheated for huge sum of money by the accused persons and further the investigation is in preliminary stage, they strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and based on the undertaking given by the petitioners to deposit an amount to the credit of the Crime Number, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court -I, Pollachi, Coimbatore District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 petitioners shall make a deposit of Rs.5,00,000/- (Rupees Five Lakh only) to the credit of Cr.No.15/2021 on the file of the respondent without prejudice to their defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant that if the petitioners succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the De-facto Complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioners on such deposit being made and proof filed by the petitioners;

(c)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;



(d) the petitioners shall report before the respondent police as and when required until further orders;

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

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

13/09/2021

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 COURT-I,
POLLACTHI, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT (FOR INFORMATION).

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

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S R.C.PAUL KANAGARAJ Advocate on payment of necessary charges SR.NO.9991

CRL OP.16360/2021

Date :13/09/2021

INBA 24/09/2021