

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.18011 of 2020

DEENADHAYALA NAIDU

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE (CRIME),
D-2 ANNA SALAI POLICE STATION,
CHENNAI-2.
CRIME NO.1095/2020

For Petitioner : M/S.L.BASKARAN Advocate

For Respondent : M/S. S.KARTHIKEYAN, 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 in connection with the case in Crime No.1095 of 2020 on the file of the respondent police for the alleged offence u/s 406 and 420 of IPC, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. It is the case of the de facto complainant that the petitioner is the owner of an Ambulance and the petitioner wanted to sell the same to him for Rs.4,50,000/-. The petitioner had required him to hand over the sale consideration of the vehicle to A2. Accordingly, the sale consideration was paid by him to the petitioner through A2. Despite payment, the petitioner had failed to hand over the physical possession of the vehicle. Hence, the case came to be registered on a complaint from the de facto complainant.

4. The learned counsel for the petitioner submitted that the petitioner is innocent of alleged offence and he has been falsely implicated. The learned counsel further submitted that

the petitioner did not receive any amount from the de facto complainant and the money was received by A2 and he had paid not even a single pie to the petitioner. The petitioner is ready to abide by any conditions that may be imposed by this court. However, on instructions, the learned counsel submitted that the petitioner is ready to deposit a sum of Rs.1,00,000/- to show his bonafide.

5. The learned Additional Public Prosecutor submitted that A2 is none other than the agent of A1 and A2 had received the amount from the de facto complainant as an agent of A1 and investigation is pending.

6. Considering the fact that the amount was said to have been paid to A2 and he is absconding and all other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) 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 XXII Metropolitan Magistrate, Egmore, Chennai, on executing 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 he shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned Magistrate concerned to the credit of Cr.No 1095 of 2020 pending on the file of the respondent police, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 as and when required by the police for interrogation.

[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 himself /Trial Court as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
18/03/2021

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 XXII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHEIF METRROPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME),
D-2 ANNA SALAI POLICE STATION,
CHENNAI-2.

+1 CC to M/S.G.VISWANATHAN Advocate on payment of necessary
charges SR NO. 3722

CRL OP.18011/2020

Date :18/03/2021

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MN-29/03/2021