



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16503 of 2021

AND CRL.MP.No.9764 of 2021

1 C.B.ARUN PRAKASH [PETITIONERS / ACCUSED]
2 M.VIGNESH
3 S.IGHNATIOUS SATHIS

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION-EAST,
COIMBATORE CITY,
CRIME NO.10 OF 2021.

For Petitioners : M/S.L.MAHANDRAN Advocate

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

For Intervenor : M/S.N.CHINNARAJ Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 323, 417 and 506(ii) IPC in Crime No.10 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant preferred a complaint stating that the first petitioner gave false promise stating that he will marry her. In addition to that, he has received huge quantum of amount from the defacto complainant. Further, on the date of occurrence, the petitioner threatened the defacto complainant and assaulted her.



3. Mr.Gopinath, the learned Senior Counsel for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the first petitioner and the defacto factio complainant are business partners, the defacto complainant share is Rs.13,50,000/- and the petitioner share is Rs.16,50,000/- . No amount was transferred from the defacto complainant's account to first petitioner's account. It is further submitted that the defacto complainant in her petition had merely alleged that she had transferred from her account to petitioner's account nearly Rs.18,00,000/- but no proof of such transfer has been submitted. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. Mr.Abrar, learned Counsel for Intervenor submits that the defacto complainant one Sindhuja is a Divorcee and she is currently running a Chocolate Shop in Coimbatore District. The first petitioner is a business partner and he had developed intimacy with the defacto complainant for the past seven years and thereafter, they got a male child. It is further alleged that on different occasions, the petitioner has received a sum of Rs.7 Crores from the defacto complainant. When the defacto complainant demanded return of the said money, the first petitioner has refused to re-pay the amount and threatened the defacto complainant by using his own political influence as Ex-MLA. The learned counsel for the Intervenor had vehemently opposed for grant of anticipatory bail to the petitioners on the ground that the first petitioner has received more than Rs.7 crores from the defacto complainant and they are having one male child and usurping the entire amount and disowning the relationship and the child is not sustainable. He further submits that the petitioner had threatened the defacto complainant to leak private videos of himself with the defacto complainant. Hence, he prayed for dismissal of the petition.

5. The learned Government Advocate (Crl.Side) submits that the investigation is pending.

6. The learned Senior counsel for the petitioners however, on instructions submit that , the petitioners, without prejudice to their rights, on their own volition, are ready to deposit the amount of Rs.18,00,000/- to the credit of the crime number and also conceded that the same be disbursed to the defacto complainant. However, the learned Senior counsel submits that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.18,00,000/- will be returned.



7. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the petitioner has merely alleged that only Rs.18,00,000/- was transferred from the defacto complainant's account to the petitioners account but no documents were produced to prove the same and also the fact that the petitioners, on their own volition, are ready to deposit the amount of Rs.18,00,000/- to the credit of the crime number, this Court is inclined to grant bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest, or on their appearance, within a period of four days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Additional Mahila Court, Coimbatore on condition that each of the petitioners shall execute a separate bonds 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) as undertaken by the petitioners on their own volition, the petitioners shall deposit a sum of Rs.18,00,000/- (Rupees Eighteen Lakhs Only) to the credit of Cr.No.10 of 2021 before the Judicial Magistrate Additional Mahila Court, Coimbatore within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Judicial Magistrate Additional Mahila Court, Coimbatore shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.18,00,000/- deposited by the petitioners to the credit of Cr.No.10 of 2021 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, the trial court shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b) as undertaken by the petitioners that the first petitioner shall not upload any private videos of himself with the defacto complainant;

(c) the petitioners 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;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m 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.

Consequently, connected miscellaneous petition is closed.

-sd/-

23/09/2021

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,
ADDITIONAL MAHILA COURT, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION-EAST,
COIMBATORE CITY,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 CC to M/S. L.MAHANDRAN Advocate on payment of necessary charges SR.NO.10482

+1 CC to M/S. M.MARIAPPAN Advocate on payment of necessary charges SR.NO.10496

CRL OP.16503/2021

&

CRL MP.9764/2021

Date :23/09/2021

JPA 05/10/2021