IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17103 of 2021

B.GNANAPRAKASAM [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE EDF-II,
TEAM-III, CENTRAL CRIME BRANCH,
VEPERY, CHENNAI 600 007.
(CRIME NO.90 OF 2021)

For Petitioner : M/S.T.T.RAVICHANDRAN Advocate

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

For Intervenor : MR.JOHN JAMES FOR MR.CD.JOHNSAN Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences under Section 406 and 420 IPC r/w.34 IPC in Cr.No.90 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the Deputy General Manager requested the defacto complainant to place orders for supply of nitrile gloves with A2, who is an empanelled vendor of ITI. Subsequently after mutual negotiation between the defacto complainant and A2, A2 agreed to supply the material to the defacto complainant on receipt of payment and thereafter, the defacto complainant sought 1st accused advice for remittance of the amount to A2 and at the instance of A1, the defacto complainant made payment of Rs.2.20 crores to the account of A2. However, A2 adjusted the remittance of Rs.2.20 crores made by the defacto complainant towards the outstanding bills due and payable by ITI to the tune of Rs.2 crores and declined to supply the materials as per the purchase order placed by the defacto complainant. A2 has returned the excess amount of Rs.20 lakhs to the defacto complainant and the accused persons refused to return the balance amount to the defacto complainant. Likewise, the defacto complainant was cheated for huge amount at the

hands of the accused persons. Aggrieved by the same, the defacto complainant has lodged a complaint before the law enforcing agency.

3. The learned counsel for the petitioner submitted that the petitioner never committed any offence as alleged by the prosecution and he is innocent of the said commission of offence and he has been falsely implicated in these cases. Further it is the submission of the learned counsel for the petitioner that the petitioner had no role to play in the commission of offence and no money has been received from the defacto complainant. However, However, on instructions, the learned counsel submitted that the petitioner, on his own volition, is ready and willing to pay the sum of Rs.1,15,00,000/- to the credit of Crime Number, without prejudice to his rights. and hence prays for grant of anticipatory bail. On such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant that if the petitioner succeeds in the case, the said amount would be refunded back to him, may disburse the amount to the defacto complainant.

4. The learned Government Advocate (Crl.Side) submitted that the the investigation is in preliminary stage and the petitioner has received a sum of Rs.1,15,00,000/- from the defacto complainant and since the money involved in the present case is very huge in nature and further the defacto complainant was cheated for huge sum, he strongly opposed to grant bail to the petitioner.

5. The learned counsel appearing for the intervenor has no serious objection for grant of anticipatory bail, if the petitioner is ready to pay the above said amount, in favour of the defacto complainant.

6.Considering the nature of the case and based on the undertaking given by the petitioner to deposit the amount, I am inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Economic Offences (Wing) Court I, (Central Crime Branch) Egmore, Chennai, on 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of four weeks days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make deposit of Rs.1,15,00,000/-(Rupees One Crore and Fifteen Lakhs only) to the credit of Cr.No.90/2021 on the file of the respondent, within a period of four weeks from the date of receipt of a copy of this order, without prejudice to his defence before the trial Court. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;

(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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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/-
17/09/2021

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 ECONOMIC OFFENCES(WING)COURT-I,
(CENTRAL CRIME BRANCH)EGMORE,
CHENNAI.

2 THE SUB INSPECTOR OF POLICE,
EDF-II, TEAM-III, CENTRAL CRIME BRANCH,
VEPERY, CHENNAI 600007.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.T.T.RAVICHANDRAN Advocate on payment of necessary charges SR.NO.10349

CRL OP.17103/2021

Date :17/09/2021

CSK 30/09/2021