

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.18549 of 2020

K.R.Kamalakar

... Petitioner

-Vs-

State rep by:

The Inspector of Police,
Walajapet Police Station,
Vellore District.

(Crime No.881 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.881 of 2020 is pending on the file of the respondent police.

For Petitioner : Mr.V.Parthiban

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehend arrest for the alleged offences under Sections 406, 420 and 506(1) of IPC, in Crime No.881 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along A1 had cheated the defacto complainant. Further, the allegation is that A1 in this case viz.,Santha Swamigal (A1) had received a sum of Rs.30,00,000/- from the defacto complainant and this petitioner had received a sum of Rs.15,00,000/- from the defacto complainant and they did not repay the amount. Further, A1 in this case issued a cheque for a sum of Rs.45,00,000/ and the cheque was also returned. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the main allegation against A1, he received the entire amount. He would further submit that the petitioner is an innocent persons and he is no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the investigation reveals that the petitioner and A1 are close relatives. Further, the allegation is that A1 in this case viz.,Santha Swamigal (A1) had received a sum of Rs.30,00,000/- from the defacto

complainant and this petitioner had received a sum of Rs.15,00,000/- from the defacto complainant and they did not repay the amount. Further, A1 in this case issued a cheque for a sum of Rs.45,00,000/ He would further submit that there are three criminal case similar in nature and the petitioner is a habitual offender. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner

5. Considering the facts and circumstances of the case that the entire amount has been received by A1, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.7,00,000/- (Rupees Seven lakhs only) to the credit of Crime No.881 of 2020, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate-II, Walaja, 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, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] before executing sureties, the petitioner shall deposit a sum of Rs.7,00,000/- (Rupees Seven lakhs only) to the credit of Crime No.881 of 2020, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter 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].

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

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

-sd/-
11/02/2021

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,
NO.II, WALAJA

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.

CC to M/S. A.ILAYAPERUMAL Advocate on payment of necessary charges Sr.1480

सत्यमेव जयते CRL OP.18549/2020

Date :11/02/2021

RVR 16/02/2021

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