

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18871 of 2020

S.BABU

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY ITS, [RESPONDENT]
THE STATION HOUSE OFFICER,
M5-ENNORE POLICE STATION (CRIME),
CHENNAI - 600 019.
(CRIME NO. 4085/2020)

V.RAVANAMMAL [PETITIONER/DEFACTO COMPLAINANT]
[Ordered in CRL MP 1465/2021 by this court on 28.04.2021]

For Petitioner : M/S.T.ARUN KUMAR Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

For Intervenor : M/S.PONNIVALAVAN 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 alleged offence under Sections 406 and 420 of IPC, in Crime No.4085 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working as a Assistant Engineer in TNEB, He had falsely promised to secure a Job and received a sum of Rs.18,00,000/- from the defacto complainant. Thereafter, he did not arrange the Job and he has not return the money.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he is no way connected with the offence as alleged. He further submits that the petitioner without prejudice to his defence and contentions, is ready and willing to deposit a sum of Rs.10,00,000/- to the credit of Crime Number which is the subject matter of the present petition and thereafter, the defacto complainant is permitted to withdraw the amount. If the petitioner

succeeds in the criminal case, the defacto complainant shall refund the amount to the petitioner and, prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner has made false promise to secure Job and received a sum of Rs.18,00,000/- from the defacto complainant. Thereafter, he did not arranged the Job and he has not return the money. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the submission made by the learned counsel on either side and further considering the fact that the petitioner is ready and willing to deposit a sum of Rs.10,00,000/- to the credit of the above crime number within a period of four weeks from the date of receipt of a copy of this order. This Court is inclined to grant anticipatory bail to the petitioner with some stringent conditions.

6.Accordingly, the petitioner is directed to deposit a sum of Rs.10,00,000/- to the credit of the crime number, which is subject matter of the present petition and on such payment being made, the petitioner shall be released on bail in the event of arrest or on his surrender before the learned Judicial Magistrate, Thiruvottriyur and on further 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.10,00,000/- to the credit of Crime Number which is the subject matter of the present petition and thereafter, the defacto complainant is permitted to withdraw the amount. If the petitioner succeeds in the criminal case, the defacto complainant shall refund the amount to the petitioner.

(c) the final order in respect of the said deposit shall be decided by the learned trial judge at the conclusion of the trial.

(d)the petitioner shall report 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

28/04/2021

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,
THIRUVOTTRIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE STATION HOUSE OFFICE,
M5-ENNORE POLICE STATION (CRIME),
CHENNAI -600 019.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.PONNIVALAVAN Advocate on payment of necessary charges
SR.NO. 5460

CRL OP.18871/2020

Date :28/04/2021

MN-17/05/2021