

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.19130 of 2020

1.Hemachandran
2. Sangeetha

... Petitioners

Vs.

State by its
Inspector of Police,
District Crime Branch,
Vellore, Vellore District.
(Crime No.7 of 2019)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No. 7 of 2019 on the file of the respondent.

For Petitioners : Mr.R.Chakkaravarthy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 406, 420 of IPC. in Crime No.7 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had collected a sum of Rs.3,00,000/- from the defacto complainant for the purpose of getting job. Thereafter, the petitioners neither secured job nor returned the money, which led to the filing of the complaint. Further, the petitioners had collected a sum of Rs.11,00,000/- from several persons for the purpose of getting job. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He further submit that the defacto complainant has initiated proceeding under Section 138 of Negotiable Instruments Act against the second petitioner. He further submit that the second petitioner has already deposited a sum of Rs.1,70,000/- to the Credit of

C.C.Nos.107 and 121 of 2018 before the FTC No.1 Vellore. The learned counsel, on instructions, further submits that the petitioners, without prejudice to their rights, are ready to deposit the amount of Rs.1,30,000/- to the credit of C.C.No.107 of 2018 before the FTC No.1 Vellore. Hence, he prays for grant of anticipatory bail to the petitioners.

4.Heard the submissions made by the learned Government Advocate (Crl.Side).

5.Considering the fact that the petitioners are ready to deposit the amount of Rs.1.30,000/- to the credit of C.C.No.107 of 2018, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III. Vellore, on condition that each of 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) the petitioners shall deposit a sum of Rs.1,30,000/- (Rupees One Lakh Thirty Thousand Only) to the credit of C.C.No.107 of 2018 before the FTC No.1, Vellore, within a period of two weeks from the date of receipt of a copy of this order .On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.1,30,000/- deposited by the petitioner to the credit of C.c.No.107 of 2018 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)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;

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

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 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;

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

-sd/-

16/06/2021

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.III, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VELLORE, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE FAST TRACK COURT
NO.I, VELLORE

CC to M/S R.CHAKKARAVARTHY Advocate on payment of necessary charges

CRL OP.19130/2020

Date :16/06/2021

RVR 07/07/2021