



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.19176 of 2020

KADHIRAVAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY,
THE SUB-INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM CITY,
SALEM DISTRICT.
(CRIME NO.15 OF 2020)

[RESPONDENT]

For Petitioner : M/S.D.SIVAKUMAR Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Sections 420 and 506(ii) of IPC in Crime No.15 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that, the petitioner along with five others have cheated the defacto complainant to the tune of Rs.28 Lakhs stating that on investment of money to them, they will return the same with higher rate of interest in 90 days. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and seeks for grant of anticipatory bail to the petitioner.



5.The learned Additional Public Prosecutor would submit that A1 is the husband of the petitioner's sister. A1 along with his family members have cheated the defacto complainant and ran away. The role of the petitioner is that he canvassed the public to invest money with his brother-in-law. He further submitted that investigation is still pending and vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and the circumstances of the case and also that there is no specific overt act as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.IV, Salem, within a period of 15 days from the date of receipt of a copy of this order, on executing a separate 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 conditions that:

[a] 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] 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.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].



[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
16/04/2021

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 NO.IV,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM CITY,
SALEM DISTRICT.

+1CC to M/S.D.SIVAKUMAR Advocate on payment of necessary
charges SR NO.4859

CRL OP.19176/2020

Date :16/04/2021

MK:27/04/2021