



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18961 of 2021

G.S.RAJESH

[PETITIONER]

Vs

THE STATE REPRESENTED BY ITS,
THE INSPECTOR OF POLICE,
NORTH BEACH POLICE STATION,
FLOWER BAZAAR,
CHENNAI DISTRICT
CRIME NO.1461/2021

[RESPONDENT]

For Petitioner : M/S M.DINESH Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

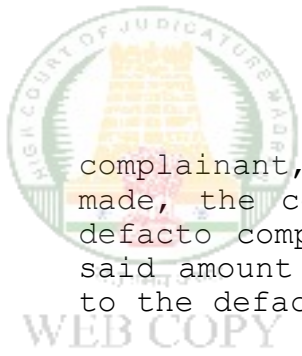
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 IPC in Cr.No.1460 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has approached the petitioner for getting job to his 2nd son. In order to get the job, the complainant gave a sum of Rs.5,00,000/- on various dates to the petitioner. After receiving the said amount, the petitioner has not been acted as per the promise. Hence the defacto complainant lodged a complaint before the respondent Police.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner has already paid Rs.87,000/- to the complainant to settle the issue amicably. However, on instructions, the learned counsel submitted that the petitioner, on his own volition, is ready and willing to pay the balance sum of Rs.4,13,000/- to the defacto



complainant, without prejudice to his rights. 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, shall disburse the amount to the defacto complainant.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case.

5.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.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, George Town, 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 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.4,13,000/- (Rupees Four Lakhs and Thirteen Thousand only) to the credit of Cr.No.1460/2021 on the file of the respondent without prejudice to his defence before the trial Court and 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/-

07/10/2021

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
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
NORTH BEACH POLICE STATION,
FLOWER BAZAAR,
CHENNAI DISTRICT

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

CRL OP.18961/2021

Date :07/10/2021

APN 21/10/2021