

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20277 of 2020

D.Manoj

... Petitioner

Vs.

State Rep by
The Inspector of Police,
P6, Koodungaiyur Police Station,
Chennai.
Crime No.1521 of 2020.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest by the respondent police in the case pending investigation in Crime No.1521 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Alexis Sudhakar

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 448, 294(b), 380 and 506(ii) of Indian Penal Code, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is having business contract between the petitioner. It is alleged that the petitioner have misappropriated a sum of Rs.5,00,000/- without the knowledge of the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person 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 petitioner have misappropriated a sum of Rs.5,00,000/- without the knowledge of the defacto complainant. He would further submit that the petitioner has also filed a counter case in C.S.R.No.1211 of 2020 on the file of the respondent. Therefore, he opposed to grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and there is a dispute between the petitioner and defacto complainant with regard to the business transaction and a counter case was filed by the petitioner against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the X Metropolitan Magistrate, Egmore on condition that the petitioners 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix thier 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 as and when required for interrogation.

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

[d] the petitioner shall not abscond 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.

With the above observations this petition is ordered.

-sd/-
08/02/2021

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 X METROPOLITAN MAGISTRATE,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI.

+1 CC to M/S D.ALEXIS SUDHAKAR Advocate on payment of
necessary charges SR.NO.1276

CRL OP.20277/2020

Date :08/02/2021

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