



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

Thursday, the Twenty Eighth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.20200 of 2021

KARUPPASAMY

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE (CRIME),
R-6 KUMARAN NAGAR POLICE STATION,
KUMARAN NAGAR, CHENNAI.
CR.NO.1230/2020.

[RESPONDENT]

For Petitioner : M/S.J.WILLIAM SHAKESPHERE Advocate

For Respondent : MR. 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 Sections 420 and 406 of I.P.C. in Cr.No.1230 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 in the case is the Proprietor of M/s.Saranya Travels. The defacto complainant handed over his two cars to A1 on rental basis, A1 paid the rent for few months and thereafter, neither paid rent nor returned the car. Likewise, A1 is alleged to have cheated 11 others also. When the defacto complainant handed over his cars to A1, the petitioner was present and he is the friend of A1. When the defacto complainant asked A1 to return his cars, A1 said that he has given the cars to the petitioner and another person and asked the defacto complainant to get the cars from them.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is involved in the business of buying and selling of cars and arranging finance for cars. A1 approached the petitioner for loan and the petitioner believing his words arranged loan for him and the petitioner was not aware of the criminal intention of A1.



4.The learned counsel appearing for the petitioner would further submit that the petitioner earlier approached this Court by filing petition seeking anticipatory bail, however, the said petition was dismissed on the ground that the cars were not recovered and now it is understood that one car worth about Rs.2 Lakhs is yet to be recovered and the other cars were recovered. The learned counsel, on instructions, further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.2 Lakhs to the credit of the crime number and the said amount be in the credit of the crime number till the car is recovered.

5.The learned Government Advocate submitted that in the event of the petitioner depositing the amount of Rs.2 Lakhs to the credit of crime number, this Court may consider for grant of anticipatory bail to the petitioner.

6.Considering the fact that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.2 Lakhs to the credit of the crime number, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai - 15, 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)the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Cr.No.1230 of 2020 before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai - 15, within a period of two weeks from the date of receipt of a copy of this order and the said amount shall lie in the credit of the crime number till the car is recovered;

(b)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;

(c)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;

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



(e) the petitioner 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 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;

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

-sd/-
28/10/2021

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 XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI-15.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE (CRIME),
R-6 KUMARAN NAGAR POLICE STATION,
KUMARAN NAGAR, CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.J.WILLIAM SHAKESPEARE Advocate on payment of necessary charges

CRL OP.20200/2021

Date :28/10/2021

INBA-01/11/2021