

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.21056 of 2020

Umamaheswari @ Sathiya

... Petitioner

Vs.

State Rep. by:-

The Inspector of Police,
Ariankuppam Police Station,
Puducherry District.

(Crime No.0153 of 2019)

... 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 in Cr.No.0153 of 2019 on the file of the respondent.

For Petitioner : Mr.S.Muthukumar

For Respondent : Mr.V.Balamurugane,
PP for Puducherry

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A1. He apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 34 of I.P.C. in Crime No. 0153 of 2019, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that in the year 2017, all the accused are running a travel agency and they have received a sum of Rs.10 lakhs for getting visa to Canada and they have cheated him. Hence, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the occurrence taken place in the year 2017. In the meantime, the petitioner has paid a sum of Rs.4,21,000/- on 07.12.2017 to the defacto complainant and he has also received the same. He would submit that after receipt of the amount, the complaint has been filed for the remaining amount. He would submit that he is an innocent person and he is no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that all the three accused persons are partners and they have received the amount. In the meantime, the petitioner has also paid a sum of Rs.4,21,000/- to the defacto complainant. He would submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the petitioner has paid a sum of Rs.4,21,000/- to the defacto complainant, and there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 No.III, Puducherry on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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;

[c] the petitioner shall appear before the respondent police 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

02/03/2021

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, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE INSPECTOR OF POLICE,
ARIANKUPPAM POLICE STATION,
PUDUCHERRY DISTRICT.

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

CRL OP.21056/2020

Date :02/03/2021

cs 15/03/2021