



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19815 of 2021

V.DAV PRABHU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE CITY.
(CR.NO. 41 OF 2021)

[RESPONDENT]

For Petitioner : MR.RIYAZ FOR M/S K.MUTHU GANESA PANDIAN 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 for the alleged offence under Sections 406 and 420 of IPC in Cr.No.41 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner induced the de-facto complainant stating that he will arrange for a job for his wife with Permanent Resident Status, believing the sugar coated words of the petitioner, the de-facto complainant paid Rs.5,00,000/- to the petitioner. Even after a long wait, the petitioner has neither returned the money nor secured the job for the de-facto complainant's wife in Canada along with Permanent Resident Status. When the same was questioned by the de-facto complainant, there was no proper response from the petitioner. Hence, the de-facto complainant lodged a complaint against the petitioner, based on which the law enforcing agency registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he further submitted that the petitioner himself is a victim of the said crime. He further submits that the



petitioner, without prejudice to his rights, on his own volition is ready to pay Rs.50,00,000/- (Rupees Fifty Lakhs only) to the credit of the Crime.No.41 of 2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl side) submits that the petitioner along with other accused persons induced the de-facto complainant and other 25 other victims stating that they will arrange job and Permanent Resident status in Canada and cheated a huge sum of money of about Rs.80,00,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and based on the undertaking given by the petitioner to deposit the amount to the credit of the Crime.No.41 of 2021 that may be later disbursed proportionately in favour of the de-facto complainant and other victims, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.7, Coimbatore, 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.50,00,000/- (Rupees Fifty Lakhs only) to the credit of the Crime.No.41 of 2021 within a period of six weeks from the date of receipt of a copy of this order. Upon such deposit the said amount may be disbursed proportionately in favour of the de-facto complainant and other victims under due acknowledgement;

(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., until further orders;

(d)The petitioner shall file necessary proof of deposit of the amount to the credit of the Crime.No.41 of 2021 before the Magistrate within the aforesaid stipulated time and till such time such deposit is made, no relaxation or modification of condition relating to appearance will be entertained by this court.

(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/-

02/11/2021

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.7, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.MUTHU GANESA PANDIAN Advocate on payment of
necessary charges SR.NO.12471

CRL OP.19815/2021

Date :02/11/2021

CSK 17/11/2021