



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20141 of 2021

1 P.ASHOK KUMAR
2 P.JOTHI KUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CCB-1, CHENNAI-CCB,
CHENNAI.
(CRIME NO.173/2021)

[RESPONDENT]

For Petitioner : M/S G.BALAJI VENKATESAN 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 petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 465, 468, 471 and 34 of I.P.C. in Cr.No.173 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that this is a case of job racketing and the petitioners are alleged to have cheated nearly 20 victims to the tune of Rs.57,95,000/-.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioners, without prejudice to his rights, are ready to deposit a sum of Rs.19 Lakhs to the credit of the crime number and also conceded the same to be disbursed to the alleged victims proportionately. However, the learned counsel submitted that before disbursing the amount to the alleged victims, an appropriate affidavit of undertaking shall be obtained from the alleged victims.

4.Heard the submissions made by the learned Government Advocate.



5. Considering the fact that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.19 Lakhs, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are 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 Special Court for CC & CBCID Cases, Egmore, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners shall deposit a sum of Rs.19,00,000/- (Rupees Nineteen Lakhs Only) to the credit of Cr.No.173 of 2021 before the learned Special Court for CC & CBCID Cases, Egmore, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Special Court for CC & CBCID Cases, Egmore, Chennai, shall obtain an affidavit of undertaking from the alleged victims stating that in the event of the petitioners succeeding the case, the amount will be returned to the petitioners and after obtaining such affidavit of undertaking from the alleged victims, shall disburse the said amount to the alleged victims, proportionately, within a period of two weeks thereafter;

(b) the petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
01/11/2021

WEB COPY

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 SPECIAL COURT
FOR CC & CBCID CASES, EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
CCB-1,
CHENNAI-CCB,
CHENNAI.

+1 CC to M/S.G.BALAJI VENKATESAN Advocate on payment of
necessary charges SR.NO.12432

CRL OP.20141/2021

Date :01/11/2021

TA-10/11/2021