



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.20539 of 2021

1 STEPHEN TAMILARASU [PETITIONERS / ACCUSED]
2 TAMIZH SELVI

Vs

THE STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VENGAL POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.546 OF 2021)

For Petitioner : M/S.R.RAMESH Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervenor : MR.N.SURIYANATH Advocate

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 of I.P.C. in Cr.No.546 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have received a sum of Rs.2 Lakhs from the defacto complainant by assuring to arrange job in Aavin Milk Department and thereafter, they did not arrange the job and only repaid a sum of Rs.1,20,000/-.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in the case. The learned counsel, on instructions, further submitted that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.80,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an appropriate affidavit of undertaking shall be obtained from the defacto complainant.



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.80,000/-, 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 Judicial Magistrate No.1, Thiruvallur District, 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.80,000/- (Rupees Eighty Thousand Only) to the credit of Cr.No.546 of 2021 before the learned Judicial Magistrate No.1, Thiruvallur District, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Judicial Magistrate No.1, Thiruvallur District, shall obtain an affidavit of undertaking from the defacto complainant 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 defacto complainant, shall disburse the said amount to the defacto complainant 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.

WEB COPY

-sd/-
01/11/2021

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.1, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VENGAL POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to R.RAMESH Advocate on payment of necessary charges
SR.NO.12284

CRL OP.20539/2021

Date :01/11/2021

CSK 12/11/2021