



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21337 of 2021

R.B.JAYAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU
THE INSPECTOR OF POLICE,
CRIMES,
V5 TIRUMANGALAM POLICE STATION,
CHENNAI.
Crime No.230 of 2020

[RESPONDENT]

For Petitioner : M/S. S.SADASHARAM Advocate

For Respondent : MR.N.S.SUGANTHAN, 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 offences under Sections 420, 465, 466, 468 and 471 of IPC, in Crime No.230 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on perusal of the FIR would make it clear that for the money transactions that took place between Selvam and Muthusamy on 29.08.2017, a complaint has now been given on 11.04.2020 mischievously including the name of the petitioner and vindictively making allegations against the petitioner as if he received the amount from Selvam and subsequently returned the sum of Rs.2,00,000/- to Selvam, nor he returned any amount to Selvam as alleged in the complaint. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that A1 is still absconding. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact, that occurrence took place in the year 2017, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 XIII Metropolitan Magistrate, Egmore, Chennai - 8, on condition that the petitioners 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 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;

(b) the petitioner shall appear before the respondent police every Monday and Friday at 10.30 a.m until further orders;

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

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;



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

WEB COPY

-sd/-
15/11/2021

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 XIII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
CRIMES,
V5 TIRUMANGALAM POLICE STATION, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.SADASHARAM Advocate on payment of necessary charges SR.No.12781

CRL OP.21337/2021

Date :15/11/2021

APN 17/11/2021