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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22543 of 2021

A.Suresh Babu

... Petitioner

Vs.

State Represented by
The Inspector of Police,
K-5, Peravallur Nagar Police Station,
Chennai, Tamil Nadu.
(Crime No.1275 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event on his arrest in Crime No.1275 of 2021, pending investigation on the file of the respondent police.

For petitioners : Mr.D.Prasanna Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

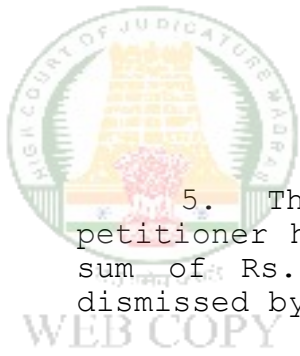
(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 and 402 of IPC, in Crime No.1275 of 2021, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the defacto complainant gave Rs.4,00,000/- to the petitioner to purchase vacant land situated at Kolathur, Chennai. Subsequently, it came to be known that the petitioner had cheated the defacto complainant and therefore when the money was demanded, the same was not returned back by the petitioner.

4. The learned counsel appearing for the petitioner submitted that a false complaint has been foisted against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



5. The learned Government Advocate submitted that this petitioner has so far cheated the defacto complainant by receiving a sum of Rs.4,00,000/- and the 1st anticipatory bail petition was dismissed by this Court on 29.10.2021.

6. Taking into consideration the facts of the case and submissions made by the learned counsel for both sides and taking note of the fact that that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh Only) in Crime No.1275 of 2021 on the file of the learned 5th Metropolitan Magistrate, Egmore, Chennai, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. 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 5th Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner 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 said Magistrate, on further condition that:

[a] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh Only) in Crime No.1275 of 2021, within a period of two weeks from the date of receipt of a copy of this order, on the file of the learned 5th Metropolitan Magistrate, Egmore, Chennai,;

[b] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[c] the petitioner shall report before the respondent police every Saturday at 10.30.a.m for a period of four weeks and thereafter as and when required for interrogation;

[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].



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

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-sd/-
26/11/2021

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 5TH METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
K-5, PERAVALLUR NAGAR POLICE STATION,
CHENNAI, TAMIL NADU.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.D.PRASANNA KUMAR Advocate on payment of necessary charges SR.NO.13597

CRL OP.22543/2021

Date :26/11/2021

CSK 02/11/2021