



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21782 of 2021

1.M.Jaganath
2.J.Mahalakshmi

... Petitioners

Versus

State represented by its:-
The Inspector of Police,
District Crime Branch,
Thiruvallur District.
(Crime No.45 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.45 of 2021, on the file of the Inspector of Police, District Crime Branch, Thiruvallur District.

For Petitioners: Mr.P.Sugumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest for the alleged offence under Sections 406, 417, 420, 468, 471, 485 & 506(i) of IPC 1860, in Crime No.45 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the complainant is doing finance business in his area and other neighbour village peoples. The 1st petitioner is working in EB Department, Thiruvallur, Tamil Nadu as a contract labourer. During 2018, the complainant has approached the 1st petitioner to arrange job in any department of Tamil Nadu Government. For which he has paid Rs.2,40,000/- the petitioners did not arrange the job as he assured and he did not repay the amount. Hence the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the 1st petitioner received Rs.2,40,000/- from the defacto complainant and thereafter he refused to pay the amount, but subsequently Rs.50,000/- was paid and the investigation is still pending. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact, occurrence in the year of 2018, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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 Judicial Magistrate - II, Thiruvallur District, 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 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;

(b) the petitioners shall appear before the respondent police for eight weeks every Wednesday and Saturday at 10.30 a.m until further orders;

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

(d) the petitioners 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 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;



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

WEB COPY

-sd/-

19/11/2021

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.II, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.SUGUMAR Advocate on payment of necessary charges

CRL OP.21782/2021

Date :19/11/2021

RW 25/11/2021