



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22126 of 2021

1. Sivamani
2. Mathiyazhagan

...Petitioners

Versus

State rep by its
Inspector of Police
Veppur Police Station,
Veppur, Cuddalore District.
(Crime No.435 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.435 of 2021 pending investigation on the file of the respondent police.

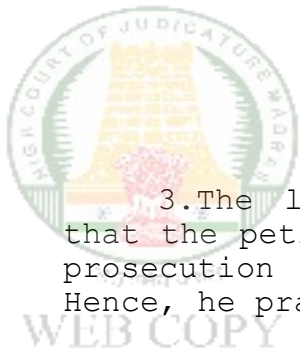
For Petitioners : Mr.K.L.Sekar

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

O R D E R

The petitioners, who were apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 465, 468, 471 and 420 of IPC in Crime No.435 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused person had approached the defacto complainant and represented that they wanted JCB vehicle and also represented that they will give a sum of Rs.2,50,000/- for lease and further that they will give a sum of Rs.50,000/- for rent to every month. Then the defacto complainant agreed for the same and then they entered into an agreement between themselves. Then after receiving a lease amount for Rs.2,50,000/- the JCB vehicle was handed over to the petitioners and third accused. Further, the petitioners and third accused failed to give the rental amount and thereby cheated the defacto complainant. Hence, the complaint.



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

4.The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioners and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, 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 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, Vridhachalam, Cuddalore District, on condition that the petitioners shall execute a separate 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) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 on every Thursday at 10.30. a.m., until further orders.

(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/-

25/11/2021

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.I, VRIDHACHALAM, CUDDALORE DISTRICT.

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

3 THE INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
VEPPUR, CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S K.L.SEKAR Advocate on payment of necessary charges
SR.NO.13429

CRL OP.22126/2021

Date :25/11/2021

RW 29/11/2021