



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No. 22089 of 2021

A.K.Gnanasekaran

... Petitioner

Versus

The State by,
The Inspector of Police,
S15- Selaiyur Police Station,
Chennai.

(Crime No.563 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.563 of 2021, on the file of the respondent police.

For Petitioner : Mr.J.Williams Shakespare

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

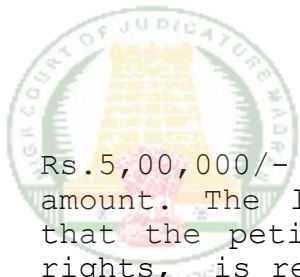
For Intervenor : Mr.M.Aloysius Raja Pragash

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 and 34 of IPC in Crime No.563 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons had cheated the defacto complainant to the tune of Rs.20,00,000/- swindled from the Love India Trust Account and created a fake and manipulated the rental agreement.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner has received a sum of



Rs.5,00,000/- as advance amount and he is ready to deposit the said amount. The learned counsel, on instructions, would further submit that the petitioner, on his own volition, without prejudice to his rights, is ready to deposit the amount of Rs.5,00,000/- to the credit of the crime number. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) submitted that the petitioner along with other accused persons had cheated the defacto complainant to the tune of Rs.20,00,000/- swindled from the Love India Trust Account and created a fake and manipulated the rental agreement. He further submitted that there is no previous case pending against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. The learned counsel for the Intervenor/defacto complainant submitted that the that the petitioner along with other accused persons had cheated the defacto complainant to the tune of Rs.20,00,000/- swindled from the Love India Trust Account and created a fake and manipulated the rental agreement. He further submitted that the petitioner is enlarged on bail, there is no progress in the trial. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also the fact that the petitioner on his own volition, is ready to deposit the amount of Rs.5,00,000/- to the credit of crime number and also considering the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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 I, Tambaram, on condition that the petitioner 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 shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Cr.No.563 of 2021 before the learned Judicial Magistrate No.1, Tambaram, within a period of three weeks from the date of receipt of a copy of this order.

(b) 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;



(c) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders;

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

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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/-
23/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
S15-SELAIYUR POLICE STATION,
CHENNAI.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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CC to M/S.J.WILLIAMS SHAKESPARE Advocate on payment of necessary charges

CRL OP.22089/2021

Date :23/11/2021

JPA 29/11/2021