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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22400 of 2021

Mr.Sridhar

... Petitioner

Versus

State Rep by
The Inspector of Police
District Crime Branch,
Krishnagiri District,
Krishnagiri.
(Crime No.17 of 2019)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of apprehending arrest in Crime No.17 of 2019 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest for the alleged offence under Section 420, 506(i) of IPC in C.C.No.265 of 2021 pending on the file of Learned Judicial Magistrate-II, Krishnagiri in Crime No.17 of 2019 on the file of respondent police.

2.The case of the prosecution is that the petitioner along with other accused person are alleged to have obtained some amount from the defacto complainant by promising that they would arrange for Government job and the said amount was not returned back to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the respondent/police has been filed charge sheet and the same has been taken on file in C.C.No.265 of 2021 by the learned Judicial Magistrate-II, Krishnagiri. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor submits that petitioner along with other accused person are alleged to have obtained some amount from the defacto complainant by promising that they would arrange for Government job and the said amount was not returned back to the defacto complainant. He further submits that the investigation is completed and charge sheet has been filed. However, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned Additional Public Prosecutor, 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 II, Krishnagiri 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 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 concerned court regularly on every hearing dates.

(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 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;



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

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-sd/-

01/12/2021

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, KRISHNAGIRI.

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

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges SR.NO.13818

CRL OP.22400/2021

Date :01/12/2021

RW 07/12/2021