



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22951 of 2021

Prakash

... petitioner

Versus

State Rep by
Inspector of Police,
Grand Bazar,
Puducherry, UT of Puducherry
(Crime No.0273 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.0273 of 2021 pending investigation on the file of the respondent police.

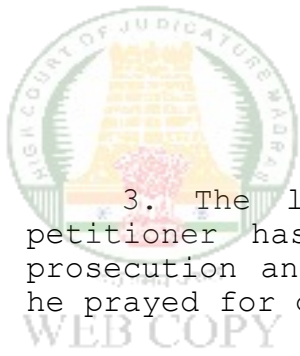
For petitioner : Mr.V.Kannadasan

For Respondent : Balamurugane
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under section 420 Of IPC, in Crime No.273 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running textile company in the name and style of 'BEE TEE GARMENTS'. It is alleged that the defacto complainant one Mr. Saravanan met the petitioner and he paid a sum of Rs.5 lakhs and later later Rs.1 lakh through Google Pay and later the petitioner failed to send the textiles to the defacto complainant. Hence, the defacto complainant filed a complaint before the Law Enforcing Agency.



3. The learned counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Puducherry, Union Territory of Puducherry 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to report before the respondent police on every Monday and Saturday at 10.30.a.m., until further orders;

[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].



[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

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-sd/-
02/12/2021

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,
UNION TERRITORY OF PUDUCHERRY, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
GRAND BAZAR, PUDUCHERRY,
UT OF PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S. V.KANNADASAN Advocate on payment of necessary
charges SR.NO.13992

CRL OP.22951/2021

Date :02/12/2021

JPA 13/12/2021