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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23444 of 2021

1. M.Nanthakumar ...Petitioners
2. M.Nareshkumar
3. C.Murugesan
4. Sudha

Versus

State Rep by its ...Respondent
The Inspector of Police,
District Crime Branch Police Station,
Villupuram District.
(Crime No.11 of 2021)

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.11 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.A.Saravanan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 420 and 506(i) of IPC in Crime No.11 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner had received a sum of Rs.2,00,000/ from the defacto complainant for the purpose of secure Government job. Thereafter, the first petitioner neither secured job nor returned the money. Thereafter, the defato complainant had asked the first petitioner to repay the said amount, the petitioners had threatened the defacto complainant with dire consequences. Hence, the complaint was registered.

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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. He further submitted that the defacto complainant had given a sum of Rs.2,00.000/ to one Anandan and not to the first petitioner, a false has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that the first petitioner had received a sum of Rs.2,00,000/ from the defacto complainant for the purpose of secure Government job. Thereafter, the first petitioner neither secured job nor returned the money. Thereafter, the defato complainant had asked the first petitioner to repay the said amount, the petitioners had threatened the defacto complainant with dire consequences. He further submitted that the investigation is at initial stage. 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 at initial stage, this Court is not inclined to grant anticipatory bail to the petitioners 1, 2 and 4. Therefore, this Criminal Original Petition is dismissed as against the petitioners 1,2 and 4. Considering the age of the third petitioner, this Court is inclined to grant anticipatory bail to the third petitioner with certain conditions.

6.Accordingly, the third petitioner is 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 No.I, Villupuram**, on condition that the third 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) if the third petitioner 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 third 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 third petitioner shall report before the respondent police on every Sunday at 10.30 a.m., until further orders.**

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

(e) the third 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 third petitioner in accordance with law as if the conditions have been imposed and the third 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];*** and;

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

-sd/-
07/12/2021

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, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
VILUPPURAM DISTRICT.

+1 CC to M/S. A.SARAVANAN Advocate on payment of necessary charges SR.NO.14194

CRL OP.23444/2021

Date :07/12/2021

TA-14/12/2021

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