



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23534 of 2021

S.Harish

... Petitioner

Versus

State Rep by
The Inspector of Police
CBCID Police Station,
Puducherry.
(Crime No.18 of 2021)

... 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 their arrest in Crime No.18 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/s.R.Prathap Kumar

For Respondent : Mr. Balamurugane
Additional Public Prosecutor,
Pondicherry.

ORDER

The petitioner, who apprehends arrest for the alleged offences under section 406, 420 of IPC r/w Section 120(b) of IPC in Crime No.18 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that one Siven Narendran along with his brother were running finance company namely RAFOLL Digital Publishers OPC Private Limited at Pondicherry and Tamilnadu and they have collected money from the public a sum of Rs.35,000/- from each persons, promising to pay a sum of Rs.2,500/- per week with the deposited amount for the period of 52 weeks. It is alleged that after two years the main accused persons closed the company without repaying the deposited amount received by them and the allegation against the petitioner is that being executive of Tiruttani branch office of the above company, he collected the money from the public.



3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is only an employee of the said company and since the company was closed, the petitioner has produced the Bank Statement of his account which discloses that the salary has been credited to the petitioner on 31.07.2021. He furthermore submits that he is ready to co-operate with the investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the petitioner being an employee of the said company, he has also collected money from the public and alleged to have closed the company without repaying the deposited amount. He further submits that the investigation is going on with regard to the main accused persons. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. On perusing the records produced by the petitioner, it is evident that the petitioner has received his salary from the said company on 31.07.2021 and since the petitioner being an employee of the said company, his presence is necessary before the respondent police. Considering the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the 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 **Chief Judicial Magistrate, 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 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 is directed to appear before the respondent police on every Tuesday and Saturday at 10.30 a.m and thereafter as and when required for interrogation;

(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]**; and;

(f) 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

TRUE COPY

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

TO

1 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

3 THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
PUDHUCHERRY.

+1 CC to M/S.R.PRATHAP KUMAR Advocate on payment of necessary charges SR.NO.14348

CRL OP.23534/2021

Date :07/12/2021

TA-13/12/2021