



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23870 of 2021

1.Babu @ Edwin Babu ... Petitioners
2.Rajini @ Rajinikanthan
3.Iruttuchandiran @ Chandhiran
4.Roopan @ Ruban

Vs.

State by, ...Respondent
The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.
(Crime No.509 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail, in the event of his arrest by the respondent police in the case pending investigation in Crime No.509 of 2021, on the file of the respondent police.

For Petitioners : Mr.D.Dayalan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 341, 419, 420, 506(ii) of Indian Penal Code, 1860, in Crime No.509 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the A1 called the defacto complainant through his mobile phone stating that that he had more money in denomination of Rs.2,000/- currency notes. He further alleged said that to the defacto complainant that the Government is going to ban the New Rs.2000/- notes. Believing the petitioner's words, the defacto complainant had given a sum of Rs.3,00,000/- to the petitioners and thereby the petitioners cheated the defacto complainant and return back the money. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.



3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that they did not receive any money from the defacto complainant. He further submits that Rs.2,00,000/- has been recovered. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of **Rs.10,000/- each** to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.10,000/- will be returned to each of them. He further submits that A2 is arrested. However, he prays for grant of anticipatory bail to other petitioners(A3 to A5).

4.The learned Government Advocate (Crl.Side) submits that Rs.2,00,000/- has been recovered and A2 was already arrested. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners (A3-A5) alone. Accordingly, this Criminal Original Petition is allowed for A3 to A5 and the same is dismissed for A2.

6.Accordingly, the petitioners (A3-A5) are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Learned Judicial Magistrate at Arakkonam** on condition that the petitioners 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 petitioners (A3 to A5) shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the credit of Crime No.509 of 2021 before **Learned Judicial Magistrate at Arakkonam** within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.10,000/- each deposited by the petitioners to the credit of Crime No.509 of 2021 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;



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(b) the petitioners (A3 to A5) 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 petitioners (A3 to A5) shall report before the respondent police on every Sunday at 10.30.a.m., until further orders.

(d) the petitioners (A3 to A5) shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners (A3 to A5) 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
13/12/2021

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

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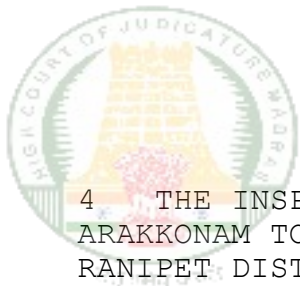
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ARAKKONAM, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
RANIPET DISTRICT.

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+1 CC to M/S. D.DAYALAN Advocate on payment of necessary
charges SR.NO.14627

CRL OP.23870/2021

Date :13/12/2021

TA-20/12/2021