



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.25107 of 2021

S.ARUL

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

DIRECTORATE OF VIGILANCE AND ANTI-CORRUPTION,

KANCHIPURAM.

CR.NO.NOT KNOWN OF 2021.

For Petitioner : M/S.M.ASWIN, Advocate for
M/S.G.KAVIYARASU Advocate

For Respondent : MR.S.BALAJI, Govt. Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 468 and 471 IPC in Cr.No. 19 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and her husband are acquainted with the petitioner. He promised to get employment for the defacto complainant through his friends. Believing the words of the accused persons, the defacto complainant made initial payment to the tune of Rs.6,00,000/- in the presence of the petitioner and A3. Again on 05.02.2020, the defacto complainant made another sum of Rs.6,00,000/-. Thereafter, when the defacto complainant enquired about the employment, but, the accused person did not give any proper reply. While being so, despite of his repeated request to return the amount already paid to him, it did not yield any fruitful result from the accused persons. Hence, the defacto complainant lodged a police complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The co-accused (A5 & A6) have already been released on bail. However, on instructions, the petitioner is ready to deposit a sum of Rs.6,00,000/- within a period of two weeks in the Crime number. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that this the third anticipatory bail application of the petitioner. If the petitioner is come forward to repay the amount, which was collected from the defacto complainant, he has no serious objection to grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the petitioner is ready to pay the aforesaid amount and in view of the change of circumstances, 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, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Thiruvallur, 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 shall pay a sum of **Rs.6,00,000/- (Rupees Six Lakhs only)** by way of demand draft to the credit of Crime No.19 of 2021, before the learned Judicial Magistrate-I, Thiruvallur, without prejudice to his defence before the trial Court, within a period of two weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court. If the petitioner succeeds in his case, the defacto complainant shall return the amount to the petitioner, which will be withdrawn by him.

(b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;



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

(e) the 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 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;

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

-sd/-

21/12/2021

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.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DIRECTORATE OF VIGILANCE AND ANTI-CORRUPTION,
KANCHIPURAM.

+1 CC to M/S.G.KAVIYARASU Advocate on payment of necessary charges SR.NO.15378

CRL OP.25107/2021

Date :21/12/2021

TA-27/12/2021