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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

Cr1.O.P.No.24109 of 2021

P.Krishnan

... Petitioner

Vs.

State rep.by the
The Inspector of Police
B-3 Fort St.George Police Station,
Chennai-09.
B-3 Crime No.80 of 2019.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner/accused on anticipatory bail in the event of arrest in B-3 Crime No.80 of 2019 on the file of the Inspector of Police, B-3 Fort St.George Police Station, Chennai-09.

For Petitioner : Mr.D.N.Dhurgasha

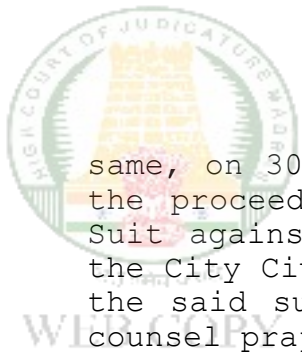
For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 406 and 420 of IPC in B-3 Crime No.80 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner cheated the defacto complainant by receiving Rs.2,00,000/- on the guise of securing a Government job for the defacto complainant's son, but, failed to arrange the job and not returned the said money. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that already there was a money transaction existing between the petitioner and the defacto complainant. Regarding the



same, on 30.01.2019, the petitioner has issued notice for initiating the proceedings and subsequently, the petitioner has filed a Civil Suit against the defacto complainant in O.S.No.813 of 2019 before the City Civil Court, Chennai and exchange of notices also issued and the said suit is pending from the year 2019. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) on instructions submits that there was a money transaction between the petitioner and the defacto complainant, the present case has been filed. He further submits that it is purely civil in nature.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the fact that it is purely civil in nature, 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 XV Metropolitan Magistrate, George Town, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each, 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 being a Senior Citizen shall report before the respondent police 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 has been imposed and the petitioner is 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.

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-sd/-
17/12/2021

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 METROPOLITAN MAGISTRATE,
NO.XV, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, CRIMES,
B-3 FORT ST.GEORGE POLICE STATION,
CHENNAI-09.

+2 CC to M/S.D.N.DHURGASHA Advocate on payment of necessary charges SR.NO.15072

CRL OP.24109/2021

Date :17/12/2021

TA-29/12/2021