



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24298 of 2021

1.Deepika
2.Malavika

...Petitioners

Versus

State Represented by
Inspector of Police,
MKB Nagar Police Station
Pulianthope, Chennai.
Crime No. 1029 of 2021.

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No. 1029 of 2021 on the file of the respondent police.

For Petitioner : M/S.Deepan uday

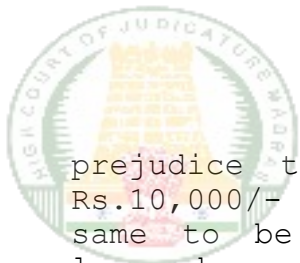
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 of IPC, in Crime No.1029 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused had contacted the defacto complainant and asked the car for rent. Further, the defacto complainant and her husband decided to give the car for rent by making an agreement with the first and second accused who is the wife of first accused for the rent of Rs.1200 per day. Thereafter, the advance payment of Rs.10,000 and Rs.1200 was paid in regular interval by the third accused who is the sister of the first accused. After, the petitioners along with A1 had not paid the rent and the cars were not returned to the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. 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/- 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 them. He prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned X Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Cr.No.1029 of 2021 before the learned X Metropolitan Magistrate, Egmore, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned X Metropolitan Magistrate, Egmore, 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/- deposited by the petitioners to the credit of Cr.No.1029 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;

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners are directed to appear before the respondent police as and when required for interrogation..



[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

15/12/2021

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 X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
MKB NAGAR POLICE STATION,
PULIANTHOPE, CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. DEEPANUDAY Advocate on payment of necessary charges
Sr.14874

CRL OP.24298/2021

Date :15/12/2021

RVR 22/12/2021