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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

CrI.O.P.No.24732 of 2021

1. Annadurai
2. Saranya

... Petitioners

Vs.

State represented by
The Inspector of Police
CBCID Police Station,
Puducherry.
Crime No.9 of 2019

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest by the respondent police in Crime No.9 of 2019 on the file of the Inspector of Police, CBCID Police Station, Puducherry.

For Petitioner : Mr.K.Sasindran

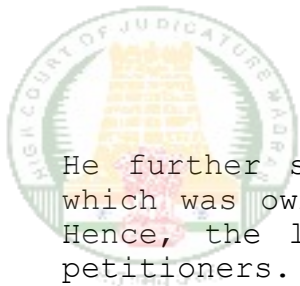
For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor
(Pondicherry)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 r/w 34 of IPC in Crime No.9 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 in this case is running a financial institution in the name and style of Mullai Groups and Traders and the defacto complainant had invested a sum of Rs.4,81,000/- and the said amount was not repaid to him, thereby, the defacto complainant was cheated by the accused. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case.



He further submits that the petitioners were staffs of the company which was owned by A1 and they have not involved in the above crime. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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4. The learned Additional Public Prosecutor submits that this is the case of 2019 and totally there are seven accused involved in this case and it is an admitted fact that A1/main accused was already arrested and enlarged on bail and others are still absconding. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners 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 Chief Judicial Magistrate, Puducherry on condition that the petitioners shall execute separate bonds 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 petitioners 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 the first petitioner shall report before the respondent police on every Wednesday and Saturday at 10.30 a.m., until further orders and the second petitioner shall report before the respondent as and when required for interrogation ;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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

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

TO

1 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

2 THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
PUDUCHERRY.

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S.K.SASINDRAN Advocate on payment of necessary charges
SR.NO.15077

CRL OP.24732/2021

Date :17/12/2021

RW 29/12/2021