



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24593 of 2021

1.Mohan.M

...Petitioners

2.Santhosh.M

Versus

State Rep by
Inspector of Police,
Tambaram Police Station,
Chennai.
(Crime No.701 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.701 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Ajmalazzath

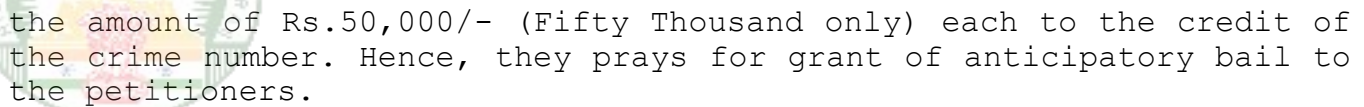
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under section 420 of IPC, in Crime No.701 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are Managers and Collection agent of H.D.B. Financial Service Ltd. It is alleged that the defacto complainant availed loan by pledging Gold Jewels and received a sum of Rs.4,21,000/-, Due to pandemic situation, the defacto complainant had not paid some of the arrears and further the Representatives had given mental torture by regular phone calls at late night. It is further alleged that on 22.10.2020, auction was conducted to the pledged gold jewels. 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 has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

(a) the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each to the credit of Crime No.701 of 2021 before IX Metropolitan Magistrate, Saidapet, Chennai within a period of three 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 that the the amount of Rs.50,000/-each deposited by the petitioners to the credit of Crime No.701 of 2021 within a period of two weeks thereafter;

(c) the petitioners shall report before the respondent police as and when required.

(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]; and;



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

WEB COPY

-sd/-
16/12/2021

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 IX METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.AJMALAZZATH Advocate on payment of necessary charges

CRL OP.24593/2021

Date :16/12/2021

CSK 05/01/2022