



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25291 of 2021

Rajasekaran

...Petitioner

Versus

State Rep by
The Inspector of Police,
Mettupalayam Police Station,
Puducherry.
(Crime No.122 of 2020)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.122 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Senthilnathan

For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor
for Puducherry

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 420 of IPC, in Crime No.122 of 2020 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had promised to secure job for the defacto complainant in Andhra Bank as Investigation Officer and had received a sum of Rs.2,00,000/- . It is alleged that the petitioner neither secured job nor returned the money. Hence, the defacto complainant lodged a complaint against the defacto complainant.

3.The learned Counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the defacto complainant borrowed a sum of Rs.6,42,000/- from the petitioner and he had not returned the money. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor submits that the alleged occurrence happened in the year 2017 and further investigation completed. However, he opposed for grant of anticipatory bail to the petitioner.

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

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Judicial Magistrate - IV, Puducherry on condition that the petitioner shall execute a bond for 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 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 shall report before the respondent police on every Tuesday and Saturday at 10.30.a.m., until further orders.

(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 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;



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

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-sd/-

23/12/2021

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.IV, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
METTUPALAYAM POLICE STATION,
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

CC to M/S.S.SENTHILNATHAN Advocate on payment of necessary
charges Sr.15553

CRL OP.25291/2021

Date :23/12/2021

RVR 03/01/2022