



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

Crl.O.P.No.25505 of 2021

(*) Narothaman

S/o.Cittibabu @ Tripuraneni Vara Prasad

... Petitioner

Amended as per order of this court dated 22.12.2021 made in
Crl.MP.NO.14117/2021 in Crl.O.P.No. 25505/2021

Vs.

The State Rep. by

The Sub-Inspector of Police,

PS:R-4 Soundarapandiyanar Angadi (Pondy bazaar)

T.Nagar, Chennai.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.443 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Vijayakumar

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

The petitioner who was arrested on 19.11.2021 and remanded to judicial custody for the offences under Sections 294(b), 406, 420, 506 (1) of IPC in Crime No.443 of 2021 on the file of the respondent police, seeks bail.

2. This is the second bail application filed before this Court. The case of the prosecution is that the defacto complainant in order to contest the election in Arani Constituency, approached the petitioner for arrangement of MLA seat. Further, the petitioner along with other accused person had received a sum of Rs.50,00,000/- from the defacto complainant. Thereafter, the petitioner neither secured MLA seat nor returned the money. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 19.11.2021. The learned counsel, on instructions, would further submit that the petitioner, on his own volition, without prejudice to his rights, is ready to deposit the amount of Rs.10,00,000/- to the credit of the crime number on the file of the respondent police. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that earlier bail application was dismissed by this Court on the ground that the petitioner was not ready to deposit the amount. He further submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner and further the petitioner on his own volition and ready to deposit a sum of Rs.10,00,000/- to the crime number, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one must be a blood surety, each for a like sum to the satisfaction of the learned XVII Metropolitan Magistrate Court, Saidapet, and on further condition that:

(a) the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the credit of Cr.No.443 of 2021 before the learned XVII Metropolitan Magistrate Court, Saidapet, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned XVII Metropolitan Magistrate Court, Saidapet, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.10,00,000/- deposited by the petitioner to the credit of Cr.No.443 of 2021 will be returned to the petitioner 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 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;



(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 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;

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

-sd/-

22/12/2021

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.XVII, SAIDAPET, CHENNAI.

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

3 THE OFFICER INCHARGE,
SUB JAIL, CHENGALPATTU.

4 THE SUB INSPECTOR OF POLICE,
PS: R-4 SOUNDARAPANDANAR ANGADI (PONDY BAZAAR),
T.NAGAR, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.S.VIJAYAKUMAR Advocate on payment of necessary
charges SR.NO.15331

CRL OP.25505/2021

Date :22/12/2021

RW 23/12/2021