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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.30231 of 2019

IN

CRL.MP.NO.1191 OF 2020

R.Akilan

... Petitioner

Vs.

The Inspector of Police, (Crime)
R-3, Ashok Nagar Police Station,
Chennai.

...Respondent

SUNDARESAN.P.

..PETITIONER/INTERVENOR ORDERED AS PER
ORDER OF THIS COURT DATED 06/07/2021
MADE IN CRL.MP.NO.1191/2020

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.354 of 2019 on the file of the respondent.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

For Intervenor : M/S N.MUTHUKRISHNAN

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.354 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had collected a sum of Rs.1,10,000/-from the defacto complainant for the purpose of sale of housing plot. Thereafter, the petitioner neither executed the sale deed nor returned the amount, which led to the filing of the complaint.



3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and he have been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, the petitioner is ready to deposit the amount of Rs.1,10,000/- to the credit of the crime number and also conceded the same may be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking may be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.1,10,000/- shall be returned to him.

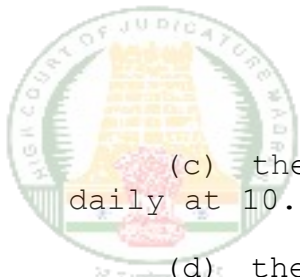
4.Heard the submissions made by the learned Government Advocate (Crl.Side).appearing for the respondent.

5.Considering the fact that the petitioner, on his own volition, is ready to deposit an amount of Rs.1,10,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XVII Metropolitan Magistrate Court, Saidapet, Chennai, on condition that the petitioner shall execute a 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,10,000/- (Rupees One Lakh Ten Thousand Only) to the credit of Cr.No.354 of 2019 before the learned XVII Metropolitan Magistrate Court, Saidapet, Chennai, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the learned XVII Metropolitan Magistrate Court, Saidapet, Chennai, 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.1,10,000/- deposited by the petitioner to the credit of Cr.No.354 of 2019 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 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;



(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/-

06/07/2021

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 XVII METROPOLITAN MAGISTRATE COURT,
SAIDAPET, CHENNAI

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

3 THE INSPECTOR OF POLICE (CRIME),
R-3, ASHOK NAGAR POLICE STATION,
CHENNAI.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.30231/2019

IN

CRL.MP.NO.1191 OF 2020

Date :06/07/2021

RVR 15/07/2021