



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23.08.2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15073 of 2020

Chandramohan ... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch Police Station,
Thanjavur District.
(Crime No.19 of 2020) ... Respondent/Complainant

For Petitioner : Mr.Ajmal Khan,
Senior Counsel
for M/S.M.Jerin Mathew
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.19 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 406, 409, 420, 467 and 474 IPC in Crime No.19 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has given Rs.5.25 crores to the first accused for purchasing of mask. However, the first accused along with the petitioner herein had cheated the defacto complainant. Hence, the present case has been registered.

3.The learned senior counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is a Doctor, who is having clinic in Vadipatti, Madurai District. He is also one of the victims in this case and he lodged a complaint. However, on the complaint of the defacto complainant, the present case has been registered as against the petitioner. The petitioner and the defacto complainant are friends, who have been cheated by



the company from Netherlands and Kazakhstan. The allegation against the petitioner is that on the advice of the petitioner, the defacto complainant and others placed orders for purchasing of N-95 masks from Netherlands and Kazakhstan companies. The company, after receiving money, failed to despatch the mask to the defacto complainant. The learned senior counsel submitted that the petitioner to show his bonafide is ready to deposit a sum of Rs.15 Lakhs to the credit of the crime number.

4. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent police.

5. During the pandemic, the petitioner and the defacto complainant were cheated by a company from abroad. Considering the nature of allegation levelled against the petitioner, his qualification and his willingness to deposit a sum of Rs.15 lakhs pending investigation, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.15 Lakhs to the credit of Cr.No.19 of 2020 before the learned Judicial Magistrate No.1, Thanjavur District.

6. Accordingly, this criminal original petition is allowed and 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 Judicial Magistrate No.1, Thanjavur District, 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 learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not tamper with the 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/08/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.M.JERIN MATHEW, Advocate SR.No.5680.

ORDER
IN
CRL OP(MD) No.15073 of 2020
Date :23/08/2021

GNS
MK/VR/SAR.II/15.09.2021/3P/6C