



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.455 of 2022

Sivaprasad

... Petitioner / A2

Versus

State rep by the
Inspector of Police,
District Crime Branch,
Thiruvallur.
(Crime No.87 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.87 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.P.Anantha Krishna

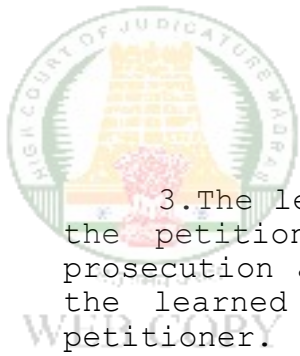
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420 of IPC in Crime No.87 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused under the false promise of obtaining job in Transport Department to the defacto complainant, have obtained a sum of Rs.3,50,000/- from him and thereafter, cheated him. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent raised strong objection stating that it is a case of job racketing. He would further submit that there are totally two accused in this case and the petitioner is A2 and would submit that still A1 was not arrested, both were absconding.

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

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Thiruvallur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a]the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Crime No.87 of 2021 within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below and the defacto complainant is permitted to withdraw the amount on undertaking affidavit;

[b]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 Aadhar card or Bank pass Book to ensure their identity;

[c]the petitioner is directed to report before the respondent police on every Tuesday 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 anticipatory 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];

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

7. With the above directions, this Criminal Original Petition is ordered accordingly.

-sd/-

11/01/2022

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.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.P.ANANTHA KRISHNA Advocate on payment of necessary charges

CRL OP.455/2022

Date :11/01/2022

RW 02/02/2022