



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Cr1.O.P.No.1289 of 2022

N.Siva @ Sivakumar

... Petitioner

Vs.

State by,
The Inspector of Police,
DCB, Salem.
(Crime No.1 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail, in the event of his arrest by the respondent police in the case pending investigation in Crime No.1 of 2021, on the file of the respondent police.

For Petitioner : Mr.D.Velmurugan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 506(I), 420, 120B of Indian Penal Code, 1860 (as amended), in Crime No.1 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with A2 have induced the defacto complainant and collected more than Rs.30,00,000/- for the purpose of getting Government. Thereafter, the petitioner neither secured job nor returned the money, when the same was questioned by the defacto complainant, the petitioner along with A2 admitted to return the money. Thereafter only Rs.2,00,000/- was repaid and the remaining amount was not repaid and further the petitioner threatened the defacto complainant with dire consequences, which led to the filing of the complaint. Hence, the complaint.



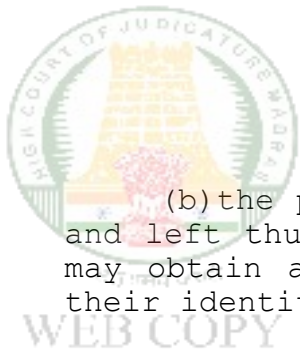
3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.12,00,000/- (Rupees Twelve Lakhs Only) to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed for grant of anticipatory bail to the petitioner stating that that the petitioner had cheated the defacto complainants to the tune of Rs.30,00,000/- and issued fake appointment orders. He also submitted that earlier this Court dismissed the petitioner's anticipatory bail petition in CrI.O.P.No.24043 of 2021 dated 13.12.2021 and the investigation almost completed.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with the following 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 lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Judicial Magistrate VI - Salem 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.12,00,000/- (Rupees Twelve Lakhs Only) to the credit of Crime No.1 of 2021 within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier before the Judicial Magistrate VI - Salem. On such deposit being made, the learned Magistrate, 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.12,00,000/- deposited by the petitioner to the credit of Crime No.1 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 failing which, the anticipatory bail petition shall stands dismissed.



(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/-
21/01/2022

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.VI, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
DCB, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S D.VELMURUGAN Advocate on payment of necessary charges
SR.NO.1077

CRL OP.1289/2022

Date :21/01/2022

RW 28/01/2022