



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.662 of 2022

Chandurukumar

.. Petitioner

Vs.

The State rep by
The Inspector of Police
Nagore Police Station,
Nagapattinam District.
Crime No.894 of 2021.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.894 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. Ravichandran Sundaresan

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

ORDER

The petitioner, who apprehends arrest for the alleged offences under Sections 420, 468 and 506(i) of IPC in Cr.No.894 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein who is arrayed as A2 in this case, and A1 received a sum of Rs.1,80,000/- from the de-facto complainant to provide a Government Job in Prison Department and gave a fabricated interview letter to him. When the defacto-complainant asked to return the aforesaid amount, only a sum of Rs.60,000/- has been paid to the defacto-complainant and no balance amount of Rs.1,20,000/- was repaid so far. Further, when the defacto-complainant asked the said balance amount, he was threatened by the accused. Hence, the defacto complainant lodged a complaint against the petitioner.



3.The learned counsel appearing for the petitioner submits that he has no way connected with the alleged occurrence and he has been falsely implicated in this case. He further submits that A1 arrested by the respondent police was enlarged on bail by the Judicial Magistrate Court, Nagapattinam on 16.11.2021 in CrI. M.P. No.6511 of 2021. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.30,000/- to the credit of the crime number. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the petitioner cheated the defacto complainant under the guise of providing Job in the Prison Department. The defacto complainant has not received the balance amount of Rs.1,20,000/- from the said accused. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the fact that the A1 was granted bail by the Trial Court and that the petitioner, on his own volition, is ready to deposit an amount of Rs.30,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 **Judicial Magistrate-II, Nagapattinam** 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.30,000/- (Rupees Thirty Thousand Only) to the credit of Cr.No.894 of 2021 before the **learned Judicial Magistrate-II, Nagapattinam** within a period of two weeks from the date of receipt of a copy of this order and complainant is permitted to withdraw the amount on undertaking affidavit.

(b)On such deposit, 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 is directed to appear before the respondent police every Wednesday 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]**; and;

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

-sd/-

12/01/2022

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.II, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAGORE POLICE STATION,
NAGAPATTINAM DISTRICT.

+1 CC to M/S.RAVICHANDRAN SUNDARESAN Advocate on payment of necessary charges SR.NO.736

CRL OP.662/2022

Date :12/01/2022

TA-21/01/2022