



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.866 of 2022

Esak @ Isac

.. Petitioner

Vs.

The State rep by
The Inspector of Police
District Crime Branch,
Thiruvallur District.
Crime No.27 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.27 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. K. Sarathkumar

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

ORDER

The petitioner, who apprehends arrest for the alleged offences under Sections 420, 465, 468, 471 and 506(i) of IPC in Cr.No.27 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the brother and sister-in-law of the petitioner herein have received a sum of Rs.2,50,000/- from the defacto complainant under the pretext to buy a house in the Tamil Nadu Housing Board with the help of their relative holding high position at Tamil Nadu Housing Board. However, there is no house allotment to the defacto complainant even after receipt of the aforesaid amount and he was cheated by giving fake allotment slip. When the defacto complainant met the petitioner's brother in his house and enquired about the allotment, he was criminally intimidated by the petitioner through phone. 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 stating that the defacto-complainant was criminally intimidated by the petitioner through phone call. Further he submits that the petitioner's brother arrested by the respondent police was released on statutory bail on 07.10.2021 in CrI. M.P. No.5973 of 2021 by the learned Judicial Magistrate No.II, Thirvallur. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.50,000/- 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 has criminally intimidated the defacto complainant over phone while he was asking the petitioner's brother to return the amount. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

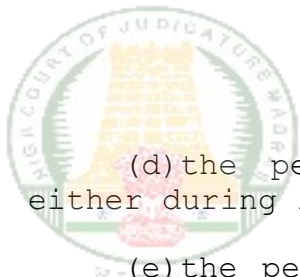
5. Considering the facts that the petitioner's brother was released on statutory bail who is arrayed as A1 in this case and the petitioner, on his own volition, is ready to deposit an amount of Rs.50,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioner 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-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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Cr.No.27 of 2021 before the learned Judicial Magistrate-I, Thiruvallur within a period of two weeks from the date of receipt of a copy of this order and the Complainant is permitted to withdraw the amount by filing undertaking affidavit.

(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 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.I, THIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

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



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. K.SARATHKUMAR Advocate on payment of necessary
charges.

CRL OP.866/2022

Date :12/01/2022

CSK 21/01/2022