



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.831 of 2022

Manoj

...Petitioner

Versus

The State represented by
The Inspector of Police,
Central Crime Branch, Team-IX,
(Job Rocketing),
Vepery,
Chennai District.
(Crime No.1072 of 2012)

...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 by the respondent police concerned in C.C.No.9446 of 2021 pending trial on the file of the Learned Metropolitan Magistrate (CCB & CBCID) Court, Egmore, Chennai.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 506(i) r/w Section 34 of IPC, in C.C.No.9446 of 2021 pending trial on the file of the Learned Metropolitan Magistrate (CCB & CBCID) Court, Egmore, Chennai, seeks anticipatory bail.

2.The case of the prosecution is that the first accused was running 'Aadava Exports Company' had received a sum of Rs.1,50,000/- and promised to procure job in 3 star hotel at Quait to the defacto complainant, but the job allowed was in road side hotel, thereafter, that hotel owner send back the defacto complainant duet to deficit visa, thereafter, he approached the first accused and he assured to give a sum of Rs.1,50,000/- plus Rs.45,000/- (Air Tickets) whereas, he paid only Rs.20,000/- Hence, the complaint.



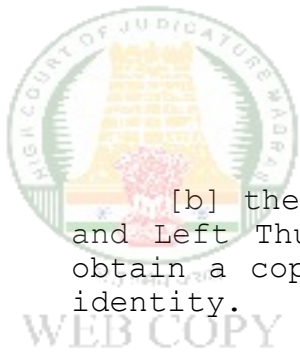
3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is the son of A1. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.1,00,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused persons had received the money from the defacto complainant and cheated him. He further submitted that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- to the credit of 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Metropolitan Magistrate (CCB & CBCID) Court, Egmore, Chennai, 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 shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Cr.No.1072 of 2012 before the learned Metropolitan Magistrate (CCB & CBCID) Court, Egmore, Chennai, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier,. On such deposit being made, the learned Metropolitan Magistrate (CCB & CBCID) Court, Egmore, Chennai, 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.1,00,000/- deposited by the petitioner to the credit of Cr.No.1072 of 2012 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;



[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 appear before the respondent police on 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 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.

-sd/-
19/01/2022

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 METROPOLITAN MAGISTRATE,
(CCB & CBCID) COURT, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM-IX, (JOB RACKETING),
VEPERY, CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary
charges SR.NO.804

CRL OP.831/2022

Date :19/01/2022

RW 25/01/2022