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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

CrI.O.P.No.2055 of 2022

1.Muthalagan
2.Rizwan

... Petitioners

Vs.

State by,
The Inspector of Police,
District Crime Branch,
Krishnagiri, Krishnagiri District.
(*) (Crime No.1 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail, in the event of their arrest by the respondent police in the case pending investigation in (*) (Crime No.1 of 2022) on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor
(DATED 02/02/2022)

MR.L.BASKARAN, Govt.Advocate
(CrI. Side) (DATED 28/02/2022)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420 of IPC, in **(*) (Crime No.1 of 2022)**, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the 1st petitioner is a Team leader and 2nd petitioner is a Assistant in RELIANCE JIO MART, Krishnagiri branch. It is alleged that the petitioners along with other accused informed the fake announcement to the shop owners of Krishnagiri District that if they purchase one oil box (containing 10 litres of oil) then they will get Rs.50/- discount from the Reliance Jio Mart, further induced them to pay the amount immediately to them. For which, the customers paid for a sum of Rs.31 lakhs to them and



they informed the orders to the Reliance Jio Mart to deliver the goods for about 60 shops through online. On 13.12.2021 one Manivelan, who went for supplying the goods to the shop owners, the 1st petitioners contacted and informed him that there was a issues between the distributors, hence directed him to supply the goods during the night hours, after supply of goods the said Manivel contacted the accused persons and he came to know that they were not deposited the amount to the Reliance Jio Mart and the same was communicated to the defacto complainant. Thereafter, the defacto complainant came to know that the accused persons allegedly received Rs.31 lakhs from the shop owners and thereby swindled the amount and cheated the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to his rights, is ready to deposit the amount of Rs.1,00,000/- (Rupees One Lakh Only) each to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor vehemently opposed for grant of anticipatory bail to the petitioners stating that that the petitioners had cheated the defacto complainants to the tune of Rs.31,00,000/- and further submits that A2 already arrested.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners

6. Accordingly, the petitioners are 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 J.M., No.I, Krishnagiri on condition that the petitioners 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 petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only)each to the credit of **(*) (Crime No.1 of 2022)** 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 J.M.,No.I, Krishnagiri. 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 petitioners succeeding the case,the amount of Rs.1,00,000/- each deposited by the petitioners to the credit of**(*) (Crime No.1 of 2022)**will be returned



to the petitioners 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.

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(b) the petitioners 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 petitioners shall report before the respondent police on every Tuesday and Thursday at 10.30.a.m., until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

02/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

**(*) AMENDED AS PER ORDER OF THIS COURT DATED 28/02/2022 MADE IN
CRL.MP.NO.2371 OF 2022**

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI



2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KRISHNAGIRI,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.3066

CRL OP.2055/2022

Date :02/02/2022

RVR 14/02/2022

RVR 08/03/2022