



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Cr1.O.P.No.2298 of 2022

Kirubarajasekaran & Jasman @ Hittam

.. Petitioner

Vs.

State represented by
The Inspector of Police,
E-3, Teynampet Police Station (Crime)
Chennai - 600 018.
Crime No.495 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.495 of 2021 on the file of the respondent police.

For Petitioner : Mr. C.Mohanraj

For Respondent : Mr. A.Gokulakrishanan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 & 506(i) of I.P.C, in Crime Number 495 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son and his brother along with the petitioner's son used to play FREE FIRE PUB-G version game using the A1's son mobile phone by paying money. It is alleged that the petitioner along with other accused mesmerized the defacto complainant's son by giving chocolates and forced him to bring money from the defacto complainant's shop and thereby swindled the amount to the tune of Rs.8,00,000/- and thereafter refused to repay the money. Hence, the defacto complainant lodged a complaint against the petitioner.



3. The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the alleged occurrence and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that more than 8 lakhs was involved in this case and further submitted that A1 and A2 already enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that co-accused enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner.

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 No.XVIII, Saidapet, Chennai - 600 015 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 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;

[b] the petitioner shall appear before the respondent police on every Monday and Thursday at 10.30.am., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 has been imposed and the petitioner is 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;



[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

02/02/2022

WEB COPY

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 NO.XVIII,
SAIDAPET, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
E-3, TEYNAMPET POLICE STATION,
CHENNAI-600 018.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to C.MOHANRAJ Advocate on payment of necessary charges
SR.NO.1801

CRL OP.2298/2022

Date :02/02/2022

INBA~09/02/2022