



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.2496 of 2022

1.Sabarish
2.Radhika

... Petitioners

Vs.

State by,
The Inspector of Police,
Crime Branch R-5,
Virugambakkam Police Station,
Chennai 600 093.
(Crime No.503 of 2020)

...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.503 of 2020, on the file of the respondent police.

For Petitioners : Mr.S.Senthil for
M/s.l.Jai Venkatesh

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 408, 420, 465, 468, 471 and 477A of IPC, in Crime No.503 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the A1 is working as an Accountant in the defacto complainant's film factory and the petitioners are relatives of A1. It is alleged that during her employment, the said Ramya without paying the amount tax deducted at source (TDS) to the specified account has remitted the amount to the tune of Rs.45 lakhs and the same was transferred to other accused persons including the petitioner.Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.



3.The learned counsel appearing for the petitioners submits that they have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners, on their own volition, is ready and willing to contribute a sum of **Rs.2,00,000/- each in Crime Number**. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that Investigation almost completed and further submits that A1 cheated the defacto complainant to the tune of Rs.4 lakhs and out of which, Rs.10 lakhs was recovered. Hence, the complaint.

5. Considering the facts and circumstances of the case, this Court 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 learned **XXIII Metropolitan Magistrate Court, Saidapet** 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.2,00,000/- (Rupees Two Lakhs Only)** each to the credit of **Crime No.503 of 2020** 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 **XXIII Metropolitan Magistrate Court, Saidapet**. 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.2,00,000/- each deposited by the petitioners to the credit of **Crime No.503 of 2020** 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.

(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 as and when required for interrogation;

(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/-

03/02/2022

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,
NO.XXIII, SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CRIME BRANCH R-5,
VIRUGAMBAKKAM POLICE STATION,
CHENNAI-93.

CC to M/S.L.JAI VENKATESH Advocate on payment of necessary charges

CRL OP.2496/2022

Date :03/02/2022

TA-17/02/2022