



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Second day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.6496 of 2022

PRAVEEN KUMAR @ PIRAWIN SRI KUMAR [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, EDF-I,
TEAM-I, CHENNAI DISTRICT.
(IN CRIME NO.61/2022)

For Petitioner : M/S.K.S.ARUMUGAM Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (CrI. Side)

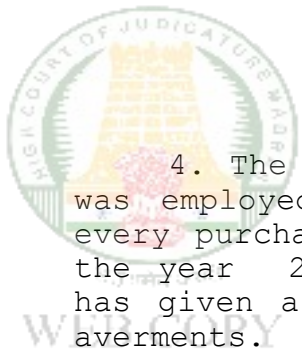
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 406, 420, 506(I) r/w. 34 of IPC in Crime No.61 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side).

3. On perusal of the F.I.R, it appears that the de-facto complainant was lured by the accused/petitioner herein to promote a project of starting a cow rearing business and get investments from foreigners. Believing his words, he has invested money and collected Rs.1,00,000/- from 141 clients. The petitioner was entrusted to purchase cows from various parts of the country for the said project. However, he purchased only 60 cows, that too of inferior breed and some died soon after its purchase. Therefore it was alleged that, the petitioner collected money from de-facto complainant and cheated her by buying inferior cows. Hence complaint has been filed.



4. The learned counsel for the petitioner would submit that, he was employed by the de-facto complainant for purchasing cows. For every purchase, he has accounted. Those transactions are between in the year 2018-2019, but for some reason, the de-facto complainant has given a complaint on 07.03.2022 making false allegation in the averments.

5. According to the learned counsel for the de-facto complainant who intervened during the course of the hearing submitted that the petitioner herein did not co-operate for investigation in spite of serving summons under Section 41-A Cr.P.C and further he would submit that the petitioner has diverted the money and invested in various other accounts in which he has material to prove.

6. This Court is of the view that, when the person is aggrieved and given complaint before the respondent police and the respondent police has taken up the complaint for investigation, it is for the complainant to produce all the documents which are available with him to prove his allegation. He cannot withhold the documents and intervene when the bail petition is moved before this Court and prevent this Court from passing order. The petitioner herein is given liberty to appear before the investigating officer as and when required and produce all his documents for completion of investigation, the investigating officer shall take decision based on the material produced/collected during the investigation.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Central Crime Branch & CBCID Special Court, Egmore, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh 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 his 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer as and when required for interrogation;



(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 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/-

22/03/2022

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 CENTRAL CRIME BRANCH AND
CBCID SPECIAL COURT, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, EDF-I,
TEAM-I, CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.S.ARUMUGAM Advocate on payment of necessary charges
Sr.4336

CRL OP.6496/2022

Date :22/03/2022

RVR 29/03/2022