



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.10684 of 2022

1 SUBRAMANIAN
2 KANNAMBAL

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM DISTRICT.
(CRIME NO.10/2020)

[RESPONDENT]

For Petitioner : M/S.B.MUNEESWARAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420 and 506 (i) of I.P.C., in Crime No.10 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the parents of the first accused and it is alleged that the first accused collected money from the de-facto complainant and deposited the said money in the petitioners' account. Thereafter, the first accused failed to return the money and cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that petitioners are aged persons and believing the words of the first accused, who is their son, opened the account in the share trading business platform. Misappropriated amount was credited to their bank



account by their son. Therefore, he submits that custodial interrogation may not be necessary for completing the investigation. He further submits that the petitioners are ready to deposit some reasonable amount as directed by this Court. Hence, he pleads for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that a portion of misappropriated amount was collected from the public and it was deposited in the petitioners' account. Therefore, if the petitioners are released on bail, it would not be possible to recover the amount and complete the investigation. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and also considering the fact that the petitioners are ready to deposit some reasonable amount, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) to the credit of Crime No.10 of 2020, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.3, Salem, on condition that the petitioners shall execute a separate 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 petitioners 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.

[b] the petitioners shall deposit a sum of Rs.5,00,000 /- (Rupees Five Lakhs only) to the credit of Crime No.10 of 2020, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/05/2022

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 JUDICIAL MAGISTRATE,
NO.3, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM DISTRICT.

+1 CC to M/S.B.MUNEESWARAN Advocate on payment of necessary charges SR.NO.7248

CRL OP.10684/2022

Date :18/05/2022

TA-19/05/2022