



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

Friday, the Twentieth day of May Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11711 of 2022

R.MULLAINATHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE
CBCID POLICE STATION
PUDUCHERRY
CRIME NO.00007/2022

[RESPONDENT]

For Petitioner : M/S M.GNANASEKAR Advocate

For Respondent : Mr.V.Balamurugane Public Prosecutor for Pondicherry

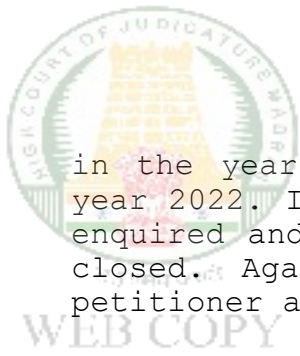
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 of IPC in Crime No.7 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the the defacto complainant Mr.R.Gunasekaran was running Pugalidam Graphics at No.225, Thilaspeth Main Road, Paakkamudaiyanpattu, near Parvathi Thirumana Nilayam, Puducherry. The petitioner was known to him as a customer. In October 2018 when the petitioner went to his shop he informed the petitioner that there is an employment opportunity in Singapore. The de facto complainant introduced 10 persons and transferred Rs.10,47,700/- (Ten lakhs forty seven thousand and seven hundred only) to the petitioner's bank account from 30.10.2018 to 19.03.2019 further 3,45,200/- (Three lakhs forty five thousand two and hundred) by cash. The petitioner issued a cheque for 8 lakhs. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner received around a sum of Rs.14,00,000/- from 10 victims to get employment in Singapore. Thereafter, the petitioner neither get employment nor repay the amount, which was received from the victims. He would further submit that the amount which was allegedly received



in the year 2019 and the present complaint has been lodged in the year 2022. In fact the earlier complaint lodged by the petitioner was enquired and the petitioner attended the enquiry, thereafter, it was closed. Again the very same officer registered a case and the petitioner apprehends arrest on the hands of the respondent.

4. Mr.A.Damodaran, learned Additional Public Prosecutor submitted that the petitioner so far collected around Rs.14,00,000/- from 10 victims to get employment in Singapore. Thereafter, the petitioner failed to get any employment to the victims and refused to return the amount. All the money received from the victims through bank transaction. Though, initial enquiry was conducted and thereafter found that there is material to attract the offence under Section 420 and registered the F.I.R.

5. The learned counsel appearing for the petitioner would submit that without prejudice to the rights of defence, the petitioner is ready to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the victims. Therefore, he prays for grant of anticipatory bail to the petitioner.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the victims, within a period of two weeks from the date on which the order copy made ready, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Chief Judicial Magistrate, Puducherry, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the victims, 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 petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

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

[f] the petitioner 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 petitioner in accordance with law as if the conditions have 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].

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

-sd/-

20/05/2022

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 CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY

2 THE INSPECTOR OF POLICE
CBCID POLICE STATION
PUDUCHERRY

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

CC to M.GNANASEKAR Advocate on payment of necessary charges
Sr.7688

CRL OP.11711/2022

Date :20/05/2022

RVR 25/05/2022