



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.11504 of 2022

JAMAL MOHAMMED

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CCB, TIRUPPUR CITY.
(CRIME NO.10 OF 2022)

For Petitioner : M/S.N.RAMESH 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 petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 of IPC in Crime No.10 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner induced the defacto complainant to do the bannian business at Dubai and received a sum of Rs.25,00,000/- on 26.02.2020 and a sum of Rs.10,00,000/- on 02.03.2020. Thereafter, the petitioner failed to start the business at Dubai and failed to share the profit with the defacto complainant.

3. The learned counsel for the petitioner would submit that they introduced partnership memorandum of association had stated that the petitioner and the defacto complainant were partners and agreed to start the business at Dubai. The defacto complainant paid a sum of Rs.10,00,000/-. Thereafter, due to (Covid - 19) pandemic circumstances the petitioner was not able to start the business at Dubai. Even assuming that the petitioner received a above said amount it is only a business transaction and the petitioner never cheated any amount as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner and defacto complainant were introduced through their daughters and they acquainted each other. Believing the words of the petitioner, the defacto complainant invested to the tune of Rs.77,22,473 as assured to start the bannian business at Dubai. Thereafter, the petitioner failed to share any profit with the defacto complainant and cheated him.

5. It is also evident from the Memorandum of Association dated 16.03.2020 adduced by the petitioner that there is business transaction between the petitioner and the defacto complainant. Therefore, the custodial interrogation of the petitioner does not required in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate - III, Tiruppur, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one among the surety shall be a blood relative of the accused, 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 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.

[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 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].



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

WEB COPY

-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-III,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TIRUPPUR CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.N.RAMESH Advocate on payment of necessary charges
SR.NO.7431

CRL OP.11504/2022

Date :18/05/2022

CSK 20/05/2022