



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.11464 of 2022

S.KARPAGA ARASU

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION,
CHENNAI.

For Petitioner : M/S A.E.RAVICHANDRAN FOR M/S.V.ANANDHAN Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

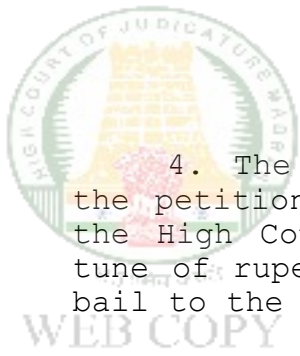
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 and 420 of IPC in Crime No.677 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had received a sum of rupees seven lakhs from the defacto complainant to get a job in the High Court. Thereafter, he failed to get in job to the defacto complainant and also refused to return back the money which was received by the petitioner to the tune of rupees seven lakhs. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner borrowed only a sum of rupees 5,30,000/- as a loan and he never agreed to get any job to the defacto complainant. In fact, earlier complaint lodged by the petitioner was enquired and closed. Further, he stated that the petitioner had filed anticipatory bail petition in CrI.O.P.No.2541 of 2021 and it was closed vide order dated 16.02.2021, thereby, directed the respondent to conduct enquiry on the complaint alleged by the petitioner. He would further submit the petitioner is an innocent person and she has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner received a sum of rupees seven lakhs to get job in the High Court. Thereby, he cheated the defacto complainant to the tune of rupees seven lakhs. Hence, opposed for grant of anticipatory bail to the petitioner.

5. Further the learned Counsel for the petitioner would submit that she is ready to deposit some reasonable amount without prejudice to her right of defence in the crime number of this case.

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

7. Accordingly, the petitioner is directed to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Crime No.677 of 2021, 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 Judicial XVII Metropolitan Magistrate, Saidapet, Chennai 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 deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Crime No.677 of 2021, within a period of two 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 two 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/-

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 XVII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

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

3 THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.ANANDHAN Advocate on payment of necessary charges
Sr.7571

CRL OP.11464/2022

Date :18/05/2022

RVR 20/05/2022