



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.11505 of 2022

Z.FAZAL AHMED

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
T-4 MADURAVOYAL POLICE STATION,
CHENNAI
(CRIME NO.119/2021)

[RESPONDENT]

For Petitioner : M/S.MOHAMED RIYAZ 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 :-

This petition has been filed to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police concerned in Crime No. 119/2021 on the file of the Inspector of Police, T4 Maduravoyal Police Station, Chennai .

2. The case of the prosecution is that the defacto complainant is the professor and the first accused is the student of the defacto complainant. After completion of the college, the first accused called the defacto complainant and stated that he had investing in Indian share market and earning huge amount and requested him to invest in the share market. In view of above such offer, the defacto complainant had meeting with the petitioner and the second accused namely Fazal Ahamed, who is the owner of Techno Grid IT Systems Pvt Ltd. Thereafter, upon the assurance of the first accused, he invested a sum of Rs.3,00,000/- in favour of the first accused on 29.05.2019. Thereafter, in the month of June, 2019, he invested a sum of Rs. 11 lakhs in the accounts of the petitioner herein. Thereafter, he failed to share any profit and failed to invest the same in the share.



3. The learned counsel appearing for the petitioner submitted that this is purely a business transaction even the petitioner assured to share profits to the defacto complainant and shared a profit to the tune of rupees twenty five thousand to the defacto complainant. Insofar as the petitioner is concerned, he has nothing to do with amount received from the defacto complaint.

4. The learned Additional Public Prosecutor would submit that both the accused have cheated to the tune of Rs. 13 lakhs and they never shared any profit with the defacto complainant. Further, the learned counsel for the petitioner is ready and willing to deposit a reasonable amount without prejudice to the right of his defence.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with a conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.119 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 Magistrate, Poonamalle 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.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.119 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 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 THE JUDICIAL MAGISTRATE,
POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-4 MADURAVOYAL POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO.7395

CRL OP.11505/2022

Date :18/05/2022

JPA 19/05/2022