



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11959 of 2022

V.RAMESH WASAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SHANKAR NAGAR POLICE STATION,
SHANKAR NAGAR, PAMMAL,
CHENNAI-600 075.
(CR.NO.225/2022)

[RESPONDENT]

For Petitioner : M/S.S.SATHYARAJ 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 and 420 of IPC in Crime No.225 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has received a sum of Rs.30,00,000/- from the de-facto complainant to invest the same in the business of construction. Thereafter, the said amount was neither invested in the business nor repaid to the de facto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner produced the construction agreement entered between the petitioner and the de-facto complainant, which reveals that the petitioner has agreed to construct a building in the land owned by the de facto complainant. In connection therewith, the petitioner has paid a sum of Rs.3,00,000/- (Rupees Three Lakhs only) as non-refundable advance to the de facto complainant. However, due to heavy flood during the year



2015, the petitioner could not able to construct the building and when the petitioner demanded return of the said amount, a false complaint has been lodged against the petitioner. A perusal of the FIR reveals that in the year 2014-2019, the de facto complainant invested a sum of Rs.30,00,000/- with the petitioner. Thereafter, the complaint has been lodged only in the year 2022.

4. In the aforestated circumstance, this Court is of the view that the custodial interrogation of the petitioner does not require in this case and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Tambaram, 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 report 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/-
19/05/2022

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-II,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SHANKAR NAGAR POLICE STATION,
SHANKAR NAGAR, PAMMAL,
CHENNAI-600 075.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.S.SATHYARAJ Advocate on payment of necessary
charges SR.NO.7409

CRL OP.11959/2022

Date :19/05/2022

CSK 20/05/2022