



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12456 of 2022

MUPPAVARAPPU SITARAMAIAH

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KK NAGAR POLICE STATION,
CHENNAI DISTRICT.
(CRIME NO. 9 OF 2022)

[RESPONDENT]

For Petitioner : M/S. S.N.ARUNKUMAR Advocate

For Respondent : MR.V.MEGANATHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under section 420 IPC, in Crime No.9 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused cheated the de-facto complainant to the tune of Rs.48,00,000/- on the false promise of getting medical seat, but they failed to secure the sheet. The petitioner herein has been arrayed as A3 in this case.

3. The contention of the petitioner is that the petitioner's daughter-in-law/A1 collected Rs.48,00,000/- from the de-facto complainant on 27.08.2014 to secure medical seat, but she could not secure the seat. Thereafter, she failed to repay the amount immediately. Later, she paid Rs.13,79,000/- through Bank and Rs.18,00,000/- in 6 instalments by cash.

4. The learned counsel for the petitioner submitted that the balance amount of Rs.12,00,000/- only has to be paid to the de-facto complainant. The petitioner, who is the father-in-law of A1 and



father of A2, ensures that he will pay the balance amount of Rs.12,00,000/- to the de-facto complainant. Further, if there is any discrepancy of amount, the same will be paid to the de-facto complainant and settle the matter. He has also filed an affidavit dated 26.05.2022 to that effect. Hence, the learned counsel prays to grant Anticipatory Bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent vehemently opposed to grant anticipatory bail stating that the petitioner along with other accused cheated the de-facto complainant to the tune of Rs.48,00,000/-.

6.Heard the submissions made by the learned Counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent.

7. Considering the submissions of the learned counsel for the petitioner and the affidavit dated 26.05.2022, this Court is inclined to grant anticipatory bail to the petitioner subject to imposing following conditions.

8.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 XXIII Metropolitan Magistrate Court, 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 dismissed and on further condition that:

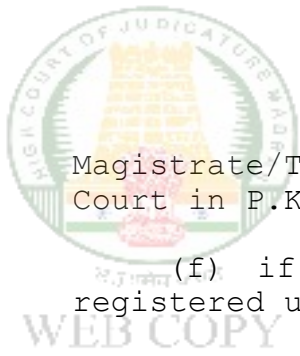
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/05/2022

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 XXIII METROPOLITAN MAGISTRATE,
SAIDAPET., CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KK NAGAR POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.12456/2022

Date :27/05/2022

CSK 02/06/2022