



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13149 of 2022

B.GOPI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
R-5, VIRUGAMBAKKAM POLICE STATION,
VIRUGAMBAKKAM, CHENNAI 600093
(CRIME NO.790 OF 2021)

[RESPONDENT]

For Petitioner : M/S. R.VENKATESH Advocate

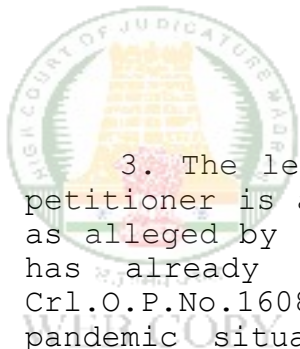
For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of I.P.C. in Crime No.790 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an actor by profession came in contact with the petitioner/A3 and two others/A1 & A2 as co-financiers entered into a financial agreement along with other accused person to the tune of Rs.3 crores in the production company. Thereafter the petitioner also invested several amounts on various occasions for the business purpose. The A1 also opened a bank account in the name of the defacto complainant and operated the entire transaction without the knowledge and consent of the defacto complainant which resulted in loss of Rs.2 crores to the defacto complainant. When the same was brought to the knowledge of the defacto complainant he lodged a complaint before the law enforcing agency against the petitioner and two others. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has already been granted anticipatory bail by this Court in CrI.O.P.No.16089 of 2021 dated 06.10.2021. However, due to Covid-19 pandemic situation, the petitioner could not able to comply the earlier order passed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the investigation is pending in this case. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering submission made by the learned counsel appearing for the petitioner, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate XI, Saidapet 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., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
07/06/2022

WEB COPY

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,
NO.XI, SAIDAPET

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

3 THE INSPECTOR OF POLICE,
R-5, VIRUGAMBAKKAM POLICE STATION,
CHENNAI 600093

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.VENKATESH Advocate on payment of necessary charges SR.NO.8563

CRL OP.13149/2022

Date :07/06/2022

JPA 13/06/2022