



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.12559 of 2022

1 KAMESH MATHEW [PETITIONERS / ACCUSED]
2 SHEEJAMARY
3 JOHN MATHEW
4 SASIKALA

Vs

STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
VADAPALANI POLICE STATION,
T.NAGAR, CHENNAI.
CR.NO.80 OF 2022.

For Petitioner : M/S.S.ARIVAZHAGAN 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 petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, and 506(i) of IPC in Crime No.80 of 2022, seek anticipatory bail.

2. The case of the prosecution is that there was an agreement made between the *de facto* complainant and the petitioners to invest the amount in the Petitioners Company and thereafter they had failed to pay the interest and the Principal amount. Hence, the complaint.

3. The case of the prosecution according to the complainant is that he had paid an sum of Rs.18,00,000/- to reinvest as presumed by the petitioners herein. However, he failed to produce any proof to show that he had paid a sum of Rs.18,00,000/-.



4. That apart, the learned Counsel for the petitioner submitted that the husband of the *de facto* complainant paid a sum of Rs.6,00,000/-, for which from time to time the petitioners are sending money to the husband of the *de facto* complainant.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the XVII Metropolitan Magistrate Court, Saidapet, Chennai -15, on condition that the petitioners shall execute a separate 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 petitioners 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 1st and 3rd petitioners 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. The 2nd and 4th petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-

07/06/2022

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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 METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI-15.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADAPALANI POLICE STATION,
T.NAGAR, CHENNAI.

+1 CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary charges SR.NO.8544

CRL OP.12559/2022

Date :07/06/2022

TA-13/06/2022