



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.13024 of 2022

ASHOK

[PETITIONER / ACCUSED]

Vs

1 THE STATE REP BY
THE INSPECTOR OF POLICE,
MARREDPALLY POLICE STATION,
HYDERABAD.
(CRIME NO.150/2021)

[RESPONDENTS/COMPLAINANTS]

2 THE INSPECTOR OF POLICE
HASTHAMPATTY POLICE STATION,
SALEM DISTRICT.

For Petitioner : M/S.C.RAMKUMAR Advocate

For Respondent : MR. A.GOKULAKRISHNAN, 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 second respondent Police, for the offence punishable under Sections 406 and 420 of IPC, in Cr.No.150 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner received a sum of Rs.15,50,000/- to make the complainant's son Karan to participate in Indian Premier League (IPL). But not made as promised. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He prays for grant of interim anticipatory bail for a limited period, so as to enable him to approach the jurisdictional Court to get regular bail.



4. A Division Bench of this Court in the decision reported in 1992 LW (Crl) 475, [S.P.Shanthi Swaroop and Others v. State of Tamil Nadu], after considering several judgments delivered by various High Courts, has held that in respect of persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court was having jurisdiction, this Court can grant them Anticipatory Bail for a limited period and direct the concerned persons to move the Court, which is having regular jurisdiction over the matter in the meantime. The relevant portion in the said judgment reads as follows:

"The High Court or the Court of Session has got power under Section 438, Cr.P.C., to grant Anticipatory Bail irrespective of the local ...of the commission of the offence. In other words, in respect of persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court irrespective of the fact that they are residents of the place over Anticipatory Bail. However, we wish to observe that while granting Anticipatory Bail, this Court has to restrict the relief for a limited period and to direct that concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the Petitioners available for interrogation by the concerned Police in the meantime."

5. Considering the facts and circumstances of the case and in view of the decision referred to supra, without expressing any opinion with regard to the merits of the case, this Court is inclined to grant Inter-State Anticipatory Bail to the petitioner, enabling him to move the concerned Court of jurisdiction for Anticipatory Bail.

6. Accordingly, Anticipatory Bail is granted to the petitioner for a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to be enlarged on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court No.III, Salem, on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police who intends to arrest the petitioner or the learned Magistrate concerned and on further condition that within the said period of four weeks, the petitioner shall appear before the concerned Court of jurisdiction and move for Anticipatory Bail before the said Court.



7. In fine, this criminal original petition is allowed in the above terms.

WEB COPY

-sd/-

01/06/2022

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,
NO.III, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MARREDPALLY POLICE STATION,
HYDERABAD.

4 THE INSPECTOR OF POLICE
HASTHAMPATTY POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges
SR.No.8382

CRL OP.13024/2022

Date :01/06/2022

CSK 03/06/2022