



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.13065 of 2022

KISHORE

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH POLICE STATION,  
THIRUVALLUR,  
THIRUVALLUR DISTRICT.  
(CRIME NO.24 OF 2022.)

[ RESPONDENT ]

For Petitioner : M/S.R.SASIKUMAR 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 & 420 of IPC in Crime No.24 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 28.04.2022 one Jaganraj lodged a complaint before the respondent police stating that he received a Whatsapp message from one Abdul Kalam Arakattalai asking for financial assistance to their orphanage and voluntarily made the *de facto* complainant to forwarded Rs.1,500/- to the bank account of the said Abdul Kalam Arakattalai. Upon verification, the *de facto* complainant came to know that there was no such orphanage functioning in the address as mentioned in the payment receipt. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that he is running a trust in the name of Abdul Kalam Arakattalai and he received a sum of Rs.1,500/-. He would further submit that the petitioner is ready and willing to deposit a sum of Rs.1,500/-



(Rupees Thousand Five hundred only) to the credit of crime No.24 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the total cheated amount to the tune of Rs.1,500/- (Rupees Thousand Five Hundred only). He would further submit that the petitioner shall file an affidavit before the respondent to the extent that he will not collect any donation from the general public in the name of the Abdul Kalam Arakattalai.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1,500/- (Rupees Thousand Five Hundred only) to the credit of Crime No.24 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate No.I, Thiruvallur 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 deposit a sum of Rs.1,500/- (Rupees Thousand Five Hundred only) to the credit of Crime No.24 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] before executing the sureties, the petitioner shall file an affidavit before the respondent to the extent that he will not collect any donation from the general public in the name of the Abdul Kalam Arakattalai.

[d] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[e] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.



[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioner shall not abscond either during investigation or trial.

[h] 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]**.

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/06/2022

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.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH POLICE STATION,  
THIRUVALLUR, THIRUVALLUR DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO.8592

CRL OP.13065/2022

Date :07/06/2022

TA-13/06/2022