



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13563 of 2022

RAJASEKAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CID POLICE STATION,
PUDUCHERRY DISTRICT
CRIME NO.11 OF 2022.

[RESPONDENT]

For Petitioner : M/S.SWAMISUBRAMANIAN Advocate

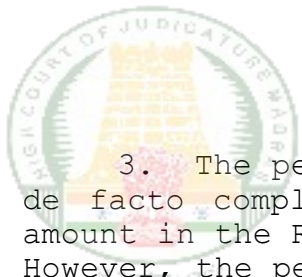
For Respondent : MR.V.BALAMURUGANE, Public Prosecutor for Puducherry

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.11 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that de facto complainant invested Rs.2 Lakhs with the petitioner herein for real estate business and thereafter, the de facto complainant again invested Rs.3 Lakhs as cash based on the assurance given by the petitioner herein for higher returns and subsequently the petitioner herein issued a post-dated cheque in order to believe the de fact complainant for his investment. Since the share invested by the de facto complainant was not sufficient, he further gave four Sovereigns of gold jewels to the petitioner to pledge and adjust the amount towards the share of the de facto complainant. After lapse of four months, as the petitioner failed to return the money, nor the profits as promised by him, and the cheque issued by the petitioner was taken for collection and the same was dishonoured. Hence, the complaint.



3. The petitioner herein received so far Rs.33,00,000/- from the de facto complainant on the pretext of promise to invest the said amount in the Real Estate business and also duly to share the profits. However, the petitioner failed to invest the amount which was received from the de facto complainant and also failed to pay any share in the profit with the de facto complainant. That apart, the petitioner, in order to believe the de facto complainant for his investment, has issued a cheque and that cheque also got dishonoured without any fund in his account.

4. However, the learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to deposit any reasonable sum to the credit of Crime No.11 of 2022 without any prejudice to his right on the defence.

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.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.11 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 his appearance, before the learned Chief Judicial Magistrate, Puducherry, Puducherry District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.11 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

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

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

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



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

[g] 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].

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

-sd/-
13/06/2022

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 CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY, PUDUCHERRY DISTRICT

2 THE INSPECTOR OF POLICE,
CID POLICE STATION,
PUDUCHERRY DISTRICT

3 THE PUBLIC PROSECUTOR
PUDUCHERRY DISTRICT

+1 CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.NO.9048

CRL OP.13563/2022

Date :13/06/2022

JPA 16/06/2022