



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13766 of 2022

KATHIRVEL

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CID POLICE STATION,
PUDUCHERRY.
(CRIME NO.09/2019)

[RESPONDENT]

For Petitioner : M/S S.MANOCHARAN 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 r/w 34 of IPC in Crime No.09 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused induced the defacto complainant and others to invest money and it is alleged that they collected a sum of Rs.13,40,000/- and thereafter cheated them. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He further submitted that the petitioner was working as driver and while he was joining in the job, the owner had taken his signature in an unfilled documents. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused cheated to the tune of Rs.13,40,000/- the petitioner is a working partner of the main accused. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances in this case and also considering the 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, before the learned Chief Judicial Magistrate, Puducherry, 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 appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

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

-sd/-

20/06/2022

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.



1 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

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

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1CC to M/S S.MANOCHARAN Advocate on payment of necessary
charges SR.No.9614

CRL OP.13766/2022

Date :20/06/2022

CSK 23/06/2022