



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.14135 of 2022

LUKE ELANGO

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION
THRUPATHTHUR DISTRICT
CRIME NO.150 OF 2022

[RESPONDENT]

For Petitioner : M/S.B.THIYAGARAJAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

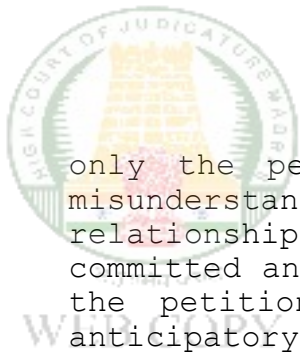
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420, 506(1) of IPC in Crime No.150 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 11.11.2021, the petitioner received a sum of Rs.3,75,000/- from the de facto complainant on the false promise for arrangement of a drive post in the Government. Subsequently, the petitioner had cheated the de facto complainant. On 16.04.2022, the de facto complainant questioned about the same, the petitioner was verbally abused and threatened the de facto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the de facto complainant are business partners. He further submitted that the de facto complainant sharing



only the petitioner's share of profit of their business. Due to misunderstanding between them, they have broken down their business relationship. He would further submit that the petitioner has not committed any offence as stated in the complaint. In order to revenge the petitioner, a false complaint is made. Hence, he prays for anticipatory bail.

4. The learned Additional Public Prosecutor (Crl. Side) appearing for the respondent police would submit that the petitioner has received an amount from the defacto complainant and cheated him. He would further submitted that no previous case is pending as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of this case, 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.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.150 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, Ambur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood 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 two blood 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.3,00,000./- (Rupees Three Lakhs only) to the credit of Crime No.150 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 report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.



[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 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.

TO

1 THE JUDICIAL MAGISTRATE,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION
THRUPATHTHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.THIYAGARAJAN Advocate on payment of necessary charges SR.NO. 9650

CRL OP.14135/2022

Date :20/06/2022

RW-23/06/2022