



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14137 of 2022

K.DILIP KUMAR

[PETITIONER / ACCUSED]

Vs

STATE BY INSPECTOR OF POLICE (CRIMES), [RESPONDENT]
K7, K.K.NAGAR POLICE STATION,
CHENNAI.
(FIR NO.236 OF 2022)

For Petitioner : M/S.M.VIJAYAKUMAR Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

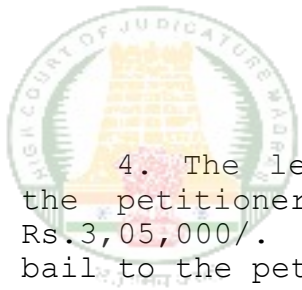
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC in Crime No.236 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had received a sum of Rs.50,000/- from the defacto complainant for doing business of giving the Film shooting Camera and other equipments on lease. Thereafter, the petitioner did not return the amount to the defacto complainant and thereby caused loss to the defacto complainant to the tune of Rs.3,05,000/. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner cheated the defacto complainant to the tune of Rs.3,05,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there was a money transaction between the petitioner and the defacto complainant. Even according to the case of the prosecution, the petitioner and other accused borrowed some loan from the defacto complainant and thereafter failed to return the same.

6. Considering the above facts and circumstances, the custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the XXIII Metropolitan Magistrate Court, Saidapet, Chennai-600 015, 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 report before the respondent police daily at 10.30 a.m. for a period of two 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
22/06/2022

WEB COPY

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 METROPOLITAN MAGISTRATE,
NO.XXIII, SAIDAPET, CHENNAI-600 015

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE (CRIMES),
K7, K.K.NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.VIJAYAKUMAR Advocate on payment of necessary charges SR.NO.9799

CRL OP.14137/2022

Date :22/06/2022

JPA 27/06/2022