



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

WEB COPY

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23978 of 2021

Sam Rufus

... Petitioner

Vs.

State by,
The Inspector of Police,
Selaiyur Police Station,
Chennai.
(Crime No.563 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail, in the event of his arrest by the respondent police in the case pending investigation in Crime No.563 of 2021, on the file of the respondent police.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervener : Mr.Aloyis Raja Pragash

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420 r/w 34 IPC, in Crime No.563 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. When the matter is taken up for hearing, the learned Additional Public Prosecutor submits that, on an earlier occasion this Court directed the accused persons to deposit Rs.20 Lakhs in Crime Number.



3.The learned counsel appearing for the petitioner on instructions submitted that, as per the order of this Court dated 10.01.2022, Rs.15 lakhs was deposited by petitioner and further Rs.5 lakhs was deposited by A3 to the credit of the crime number 463 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Considering the fact that the disputed amount of Rs.20 lakhs was deposited by the accused persons in Crime Number, this Court is inclined to grant anticipatory bail to the petitioner and further the defacto complainant is permitted to withdraw the said amount with an undertaking.

5. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.1, Tambaram 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 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 Court concerned 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 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
28/01/2022

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,
TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SELAIYUR POLICE STATION,
CHENNAI

+1CC to M/S.Y.DEVA ARUL PRAKASH Advocate on payment of
necessary charges SR.NOS.1402

+1CC to M/S.ALOYIS RAJA PRAGASH Advocate on payment of
necessary charges SR.NO.1491

CRL OP.23978/2021

Date :28/01/2022

MK:03/02/2022