



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.25010 of 2021

M.MAHENDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE, (L & O)
B-1, NORTH BEACH POLICE STATION,
CHENNAI.
CRIME NO.1583 OF 2022.

For Petitioner : MR.V.SARAVANAN, Advocate,
M/S M.SATHISH KUMAR Advocate

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

For Intervener : MR.KAMESH KUMAR, Advocate

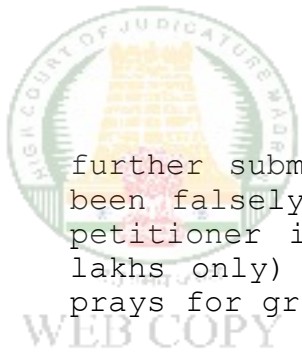
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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, 464, 471, 420 of IPC, in Crime No.1583 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running an Insurance payment kiosk out of which he had collected 30 vehicle insurance renewal charges and have paid only for 3 vehicles and developed duplicate receipts for others and cheated them. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner paid road tax for 16 vehicles and remaining 14 vehicles are pending. He further submitted to show his bonafide, he is ready and willing to deposit reasonable amount as directed by this Court without prejudice to his right of defence. He would



further submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is ready to deposit a sum of Rs.10,00,000/- (Rupees Ten lakhs only) to the credit of Crime No. 1583 of 2021. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is running an Agency to pay the road tax for vehicles. The defacto complainant engaged the petitioner for doing service related to motor vehicles insurance renewal as well as the road tax for the vehicles owned by the defacto complainant. So far the petitioner has collected a sum of Rs.16 lakhs to pay the road tax for 30 container lorries belonged to the defacto complainant. However, so far the petitioner had paid road tax only for 3 vehicles and for the remaining vehicles he failed to pay. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. 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.

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.1583 of 2021, within a period of two 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 XXI Metropolitan Magistrate, Egmore, Chennai, 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 deposit a sum of Rs.10,00,000/- (Rupees Ten lakhs only) to the credit of Crime No.1583 of 2021, before the concerned Magistrate, within a period of two 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/-

23/06/2022

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 METROPOLITAN MAGISTRATE,
NO.XXI, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE, (L & O)
B-1, NORTH BEACH POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.SATHISH KUMAR Advocate on payment of necessary charges SR.NO.9983

CRL OP.25010/2021

Date :23/06/2022

TA-30/06/2022