



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

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

Cr1.O.P.No.25995 of 2021

Babu @ Anand Babu

... Petitioner

Vs.

State by,
The Inspector of Police,
District Crime Branch,
Coimbatore District.
(Crime No.10 of 2020)

...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.10 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Saravanakumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 420 of IPC, in Crime No.10 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant had befriended the A1 and A2. It is alleged that A1 had claimed to be the Officer at the Embassy of Madagascar in the United Nations and he had promised the defacto complainant that he will give a tender for exporting food product worth about 1000 Crores. A1 had sent emails to the Complainant's email Id with the logo of the United Nations assuring the tender. It is further alleged that the accused had sent the Complainant a photo in which he was with the Former Secretary-General to create and further A1 did not give any tender as promised. Hence, the complaint.



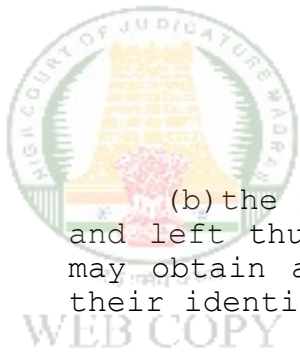
3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that he did not receive any money from the defacto complainant. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to their rights, are ready to deposit the amount of Rs.5,00,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.5,00,000/- will be returned to the petitioner. He further submits that first petitioner already arrested. Hence, they prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the investigation almost completed and has no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Court No.VI of Coimbatore 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 shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.10 of 2020 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 Court No.VI of Coimbatore On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.5,00,000/- deposited by the petitioner to the credit of Crime No.10 of 2020 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;



(b) 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;

(c) the petitioner shall report before the respondent police on every Wednesday and Saturday at 10.30.a.m., until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-
03/01/2022

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.VI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
COIMBATORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SARAVANAKUMAR Advocate on payment of necessary
charges

CRL OP.25995/2021

Date :03/01/2022

RW 07/01/2022