

Crl.O.P.No.8049 of 2015**R.SUBBIAH, J.**

Apprehending arrest at the hands of the respondent-Police, for the alleged offences punishable under Sections 147, 342, 323, 386, 420 & 506(ii) r/w 114 IPC, in Crime No.78 of 2015, the petitioners have approached this Court seeking the relief of anticipatory bail.

2.The 1st petitioner Thirunavukkarasu has been arrayed as 4th accused and the 2nd petitioner Kuber @ Kubendiran has been arrayed as 5th accused in this case. The case of the prosecution, in brief, is as follows__ The defacto-complainant S.Suresh is the Manager of M/s.akshaya Associates which deals with selling of cement and other iron rods for construction work. The accused persons purchased cement and iron rods from the defacto-complainant worth about Rs.2,50,000/- and they issued cheques for a sum for Rs.60,000/-; but, when the cheques were presented for encashment, the cheques were dishonoured by the Bank as insufficient funds. When the same was questioned by the defacto-complainant, the accused persons assaulted the defacto-complainant. Hence, the present complaint has been filed.

3.So far as the 2nd petitioner/A5 viz., Kuber @ Kubendiran is concerned, it is reported that pending the present anticipatory bail petition, he has been arrested by the respondent-Police. Hence, this anticipatory bail petition has become infructuous as against the 2nd petitioner/A5 and **accordingly, this petition is dismissed in respect of the 2nd petitioner/A5 as infructuous.**

4. The learned counsel for the petitioners submitted that the allegations made against the 1st petitioner herein are motivated and the 1st petitioner has been falsely implicated in this case. The learned counsel for the petitioners has also relied upon a judgment reported in **(1994) 4 SCC 260 [Joginder Kumar Vs. State of U.P. And others]** in support of his contention that custodial interrogation is not necessary in the case of this nature. Thus, he sought for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) opposed the grant of anticipatory bail to the 1st petitioner stating that the 1st petitioner is involved in some other land grabbing cases also.

6. I have carefully heard the submissions made on either side and perused the materials available on record.

7. Considering the facts and circumstances of the present case, I am of the opinion that anticipatory bail could be granted to the 1st petitioner in this case, by imposing stringent conditions. Accordingly, the 1st petitioner is directed to be released on bail, in the event of his arrest in connection with this case or on his appearance before the concerned Court, on his executing 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 learned Judicial Magistrate No.IV, Salem, and on further condition that he shall report before the 1st respondent-police as and when required. The 1st petitioner shall

appear before the concerned Court within a period of 15 days from the date of receipt of a copy of this order, failing which, the anticipatory bail granted shall stand automatically cancelled.

18.06.2015

SSV

R.SUBBIAH, J.

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Pre-delivery order

in

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