

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.7095 of 2018

1 BASKAR MOORTHY, [PETITIONERS / ACCUSED]
2 NARASIMAN,

Vs

STATE REP BY ITS, [RESPONDENT]
THE STATION HOUSE OFFICER,
ARAKKONAM TOWN POLICE STATION,
VELLORE DISTRICT.
CR.NO.119 OF 2018.

For Petitioner : M/S.D.DAYALAN Advocate

For Respondent : MR. M.MOHAMED RIYAZ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 506(i) of IPC in Crime No.119 of 2018, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioners would submit that the matter regarding the dispute of non-payment of money, was earlier referred to Mediation Centre and that the petitioners and the defacto complainant had compromised the matter between themselves. He would submit that the entire amount has also been paid by the defacto complainant.

4. The learned Additional Public Prosecutor would submit that the matter has been settled amicably between the petitioners and the defacto complainant before the Mediation Centre.

5. The Mediation Report is taken on record. In view of the settlement between the parties, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Arakkonam, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety, 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
02/07/2018

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,
ARAKKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
ARAKKONAM TOWN POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 CC to M/S.D.DAYALAN Advocate on payment of necessary charges
SR.NO.12123

CRL OP.7095/2018

Date :02/07/2018

TA-10/07/2018