

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.16474 of 2018

1 D.REEGAN
2 DHANRAJ

[PETITIONERS / ACCUSED]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
BANAVARAM POLICE STATION,
VELLORE DISTRICT.
CR.NO.168 OF 2017

[RESPONDENT]

For Petitioner : M/S.M.RAJENDIRAN 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 seek anticipatory bail in Crime No.168 of 2017 registered by the respondent police for the offences under Sections 147, 148, 294(b), 323, 420, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

2. The case of the prosecution as per the defacto complainant one Kalaivani is that she is a resident of Singapore and that she along with her husband engaged in the business of dealing with Metal Scraps and that she along with one Agashtin and his wife, had started a business for manufacturing Steel Rods and that her husband used to send scrap materials from abroad and in the transaction, the first accused Agashtin and his wife Roshlin have to give Rs.8,00,00,000/- to the defacto complainant and whenever she asked for return of the money, the accused denied the same by saying some reason or other. While so, on 05.04.2017, the defacto complainant had come from abroad and gone to the factory and at the time, A1 and A2, who are partners along with other 20 accused had threatened her and attempted to assault her. The further allegation is that Agashtin (A1) had fisted on her chest and also taken away the original documents, which were kept in a brief case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case since they happened to be the relatives of Agashtin (A1). He would submit that there is a business dispute between the defacto

complainant and the first accused and that a false complaint has been given to police to settle the disputes between them.

4. The learned Additional Public Prosecutor would submit that the case has been registered in the year 2017 and that the allegation against the accused is that there was a business dispute between the named accused and the defacto complainant and that the petitioner along with named accused, abused the defacto complainant, assaulted her and also taken the documents belonging to the defacto complainant. He would submit that the investigation is pending in this case.

5. Taking into consideration the facts of the case and the submissions made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioners.

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, Sholingar, on condition that each of 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 said on further condition that:-

[a] if the petitioners fail to surrender before the concerned Magistrate, within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, 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/-
11/07/2018

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,
SHOLINGAR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BANAVARAM POLICE STATION,
VELLORE DISTRICT.

+1CC to M/S.M.RAJENDIRAN Advocate on payment of necessary charges SR NO.12972

CRL OP.16474/2018

Date :11/07/2018

MK:18/07/2018