

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17010 of 2018

M.VENKATESAN

[PETITIONER / ACCUSED]

Vs

THE STATE BY ITS

[RESPONDENT]

THE INSPECTOR OF POLICE

ANNADHANAPATTY POLICE STATION,

SALEM DISTRICT

CR.NO.377 OF 2018.

For Petitioner : M/S.B.VASUDEVAN 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 petitioner seeks anticipatory bail in Crime No.377 of 2018 registered by the respondent police for the offences under Sections 387 and 506(i) of IPC.

2. The case has been registered on the complaint given by one Balakrishnan on 12.06.2018. The case of the prosecution as per the defacto complainant is that he is running a dyeing factory in the name of Sri Prasanna. The further allegation is that the petitioner had demanded an amount of Rs.10,00,000/- (Rupees Ten Lakhs only) for not objecting to the renewal of licence from the Pollution Control Board.

3. The learned counsel for the petitioner submitted that there is a dispute between the petitioner and Ramachandran in respect of money, the petitioner had filed suit for recovery of money in OS.No.49 of 2018 against the said Ramachandran before the III Additional District Court, Salem. While so, the said Ramachandran had instigated the defacto complainant, who is a tenant under him to give false complaint against the petitioner. He would submit that the defacto complainant has been running the factory in violation of Environmental Rules and that in order to preempt the petitioner, a false complaint has been foisted against him.

4. The learned Additional Public Prosecutor would submit that the petitioner demanded Rs.10,00,000/- from the defacto complainant

for not sending any objection to the Pollution Control Board in respect of the renewal of the licence.

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 petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-IV, Salem, 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 said on further condition that:-

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

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[d] the petitioner 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
10/07/2018

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,
NO.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ANNADHANAPATTY POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.B.VASUDEVAN Advocate on payment of necessary
charges in SR.NO. 12739

CRL OP.17010/2018

Date :10/07/2018

MLT-13/07/2018