

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL ORIGINAL PETITION No.17518 of 2018

S.KALAISELVAN,

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CCB TEAM-I,
CENTRAL CRIME BRANCH,
CHENNAI CITY POLICE,
VEPERY, CHENNAI-7.
CR.NO.262 OF 2018.

[RESPONDENT]

For Petitioner : M/S.R.GANESH KUMAR Advocate

For Respondent : MR. R.SURYA PRAKASH, Govt. Advocate (Crl. Side)

For INTERVENER : NO APPEARANCE

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 420, 406, 506(i) & 120 (B) of I.P.C in Crime No.262 of 2018 on the file of the respondent Police, seeks anticipatory bail.

2. The learned counsel for intervenor is absent and heard both sides.

3. The petitioner is the A3 seeks anticipatory bail.

4. The learned counsel for the petitioner has submitted that the petitioner has received a loan of Rs.10,00,000/- from the defacto-complainant and as per the statement of accounts as shown in this regular account which is the repaid amount in the alleged role said to have been played by the A3 is introduction of A1 and A2 with the A4 and A5 and which has resulted in partnership firm of A1 and A5 and it appears that the complainant and the A5 has open the partnership firm and Akshya Supermarket and for the loan from the Indian Bank, on default of payment, the amount appears to have been declared as NPA and proceeding were issued under Section 13(2) of SARFAESI Act, he has filed Writ Petition, challenging the notice and same was dismissed and thereafter the defacto complainant has preferred this complaint

which in substance runs counter to his affidavit in the Writ Petition and he seeks anticipatory bail.

5. After going through the affidavit in W.P.No.17014 of 2017 and also the copy of the F.I.R in Crime No.262 of 2018 and taking into consideration of the facts of the circumstances of this case, this Court is inclined to grant the relief bail to the petitioner subject to the following conditions:

i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 Special Judge for CCB/CBCIB at Allikulam or the Magistrate concerned;

(ii) the petitioner 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.

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

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

(v) Upon breach of any of the aforesaid conditions, the Magistrate 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 Magistrate himself/Trial Court itself, as laid down by the Supreme Court in the case of P.K.Shaji Vs. State of Kerala (AIR 2005 SCW 5560).

(vi) If the petitioner absconds, a fresh FIR can be registered against him/her under Section 229-A IPC.

-sd/-
17/07/2018

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 SPECIAL JUDGE FOR
CCB/ CBCID AT ALLIKULAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CCB TEAM-I, CENTRAL CRIME BRANCH,
CHENNAI CITY POLICE,
VEPERY, CHENNAI-7

+1 CC to M/S.R.GANESH KUMAR Advocate on payment of necessary
charges-Sr.13181

CRL OP.17518/2018

Date :17/07/2018

ths : 17.07.2018