

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18507 of 2018

1 BASAVARAJ
2 JANAKI

[PETITIONERS / ACCUSED]

Vs

STATE

[RESPONDENT]

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SALEM.

CR.NO.11 OF 2018.

For Petitioner : M/S.K.S.KAVIARASU Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDL.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.11 of 2018 registered by the respondent police for the offence punishable under Sections 420, 294(b) and 506(i) of IPC.

2. The case of the prosecution as per the defacto complainant one Chithra is that the petitioners are known to her for 12 years and that they are family friends and that the first petitioner was running a business in the name of Janaki Enterprises and was also running a Lab. The allegation is that the first petitioner used to borrow money from the defacto complainant. The further allegation is that the first petitioner induced the defacto complainant to induct her in furniture business and thereby, on several occasions had taken amounts totalling to Rs.35,00,000/- and that whereas, he did not induct the defacto complainant as partner as promised and when the defacto complainant asked for return of money, the petitioners abused her with filthy language and also intimidated her.

3. The learned counsel for the petitioners would submit that a case of money transaction between the parties have been attempted to convert as a case of cheating and that the defacto complainant had attempted to recover the money through threat of police action.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioners induced the defacto

complainant to invest in furniture business on the promise to induct her as a partner and thereafter, cheated her and that when she demanded the money, threatened her.

5. I have gone through the FIR. Taking into consideration the facts and circumstances of the case and the submissions made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioners with certain 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 Special Judicial Magistrate (Land Grabbing cases), Coimbatore, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled.

(ii) 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.

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

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

(v) 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]**;

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

31/07/2018

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 JUDICIAL
MAGISTRATE[LAND GRABBING CASES],
COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

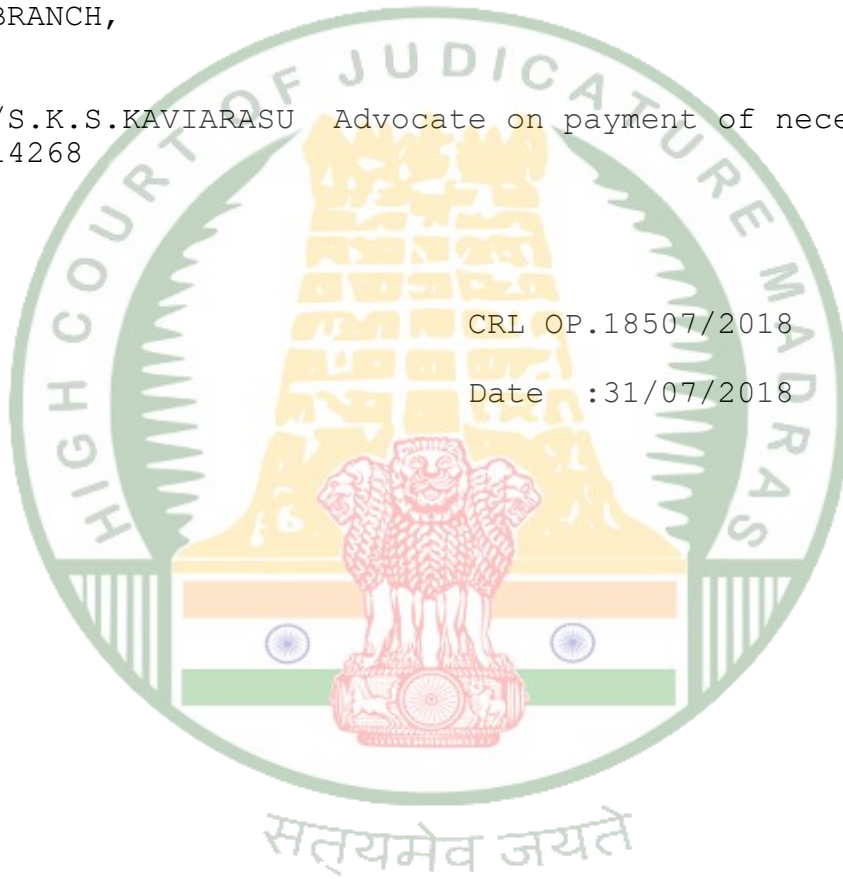
3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SALEM.

+1 CC to M/S.K.S.KAVIARASU Advocate on payment of necessary
charges SR.NO. 14268

CRL OP.18507/2018

Date :31/07/2018

RD 07/08/2018



WEB COPY