

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.26490 of 2018

KANNIYAPPAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
B-5 WALAJABAD POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.115 OF 2016.

[RESPONDENT]

For Petitioner : M/S.K.KATHIRAVAN Advocate

For Respondent : MR. M.PRABHAVATHI, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 420 and 506(i) of IPC in Crime No.115 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the defacto-complainant, namely, one Baskar is the relative of the petitioner and one Karthik is the friend of the defacto-complainant. It is stated that the defacto-complainant and his friend Karthik had paid a sum of Rs.1,13,000/- and Rs.4,68,000/- respectively to the petitioner for the purpose of purchasing cell phones, Laptops etc., at concessional rates. On 25.20.2015, the defacto-complainant and his friend along with some other persons, went to the house of the petitioner and demanded return of money, but the petitioner and his wife refused to pay the money and threatened them with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence. Due to property dispute between the the petitioner and the defacto-complainant, a false case has been foisted against the petitioner. Thus, he prayed for grant of anticipatory bail.

4. Heard the learned Additional Public Prosecutor also.

5. Considering the above facts and circumstances and the fact that the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the learned Magistrate,-II, Kanchipuram 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 Magistrate concerned, failing which the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of the Crime No.115 of 2016 without prejudice to his defence;

[c] the petitioner shall report before the respondent police as and when required.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
22/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

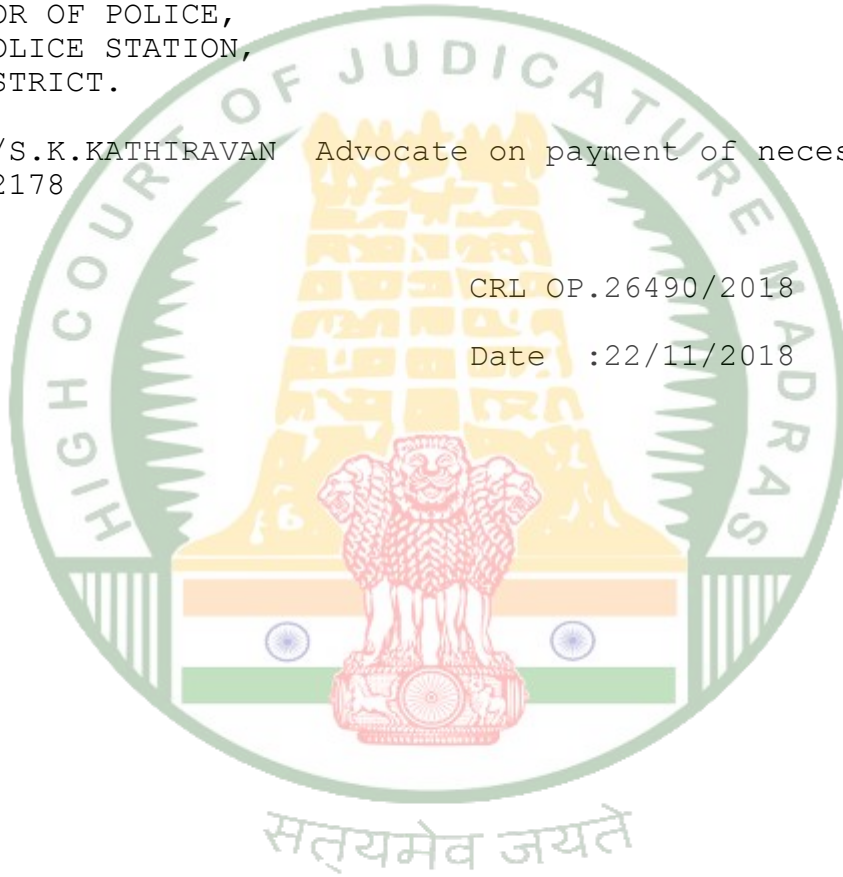
4 THE INSPECTOR OF POLICE,
B-5 WALAJABAD POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.K.KATHIRAVAN Advocate on payment of necessary
charges SR.NO.22178

CRL OP.26490/2018

Date :22/11/2018

TA-29/11/2018



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