

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.26737 of 2018

SRIDAR

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
P-2, OTTERI POLICE STATION,
CHENNAI.
CR.NO.443 OF 2018.

For Petitioner : M/S.P.R.DINESH KUMAR 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 294(b), 406, 420 and 506(i) of IPC in Crime No.443 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the defacto-complainant is residing in the same vicinity of the petitioner. It is stated that the defacto-complainant had given a sum of Rs.3,00,000/- as loan on 17.01.2017 to the petitioner and his wife for their dire need. On 21.07.2018, the defacto-complainant went to the house of the petitioner and demanded to return the money, but the petitioner and his wife refused to pay the money and abused the defacto-complainant with filthy language. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and his wife had borrowed only a small amount of Rs.10,000/- for their immediate family needs in the month of January 2018. The defacto-complainant forcibly got the signatures of the borrower in the blank stamp papers and entered a huge amount as Rs.3,00,000/-. Therefore, the defacto-complainant made a false case against the petitioner. Thus, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that during the demonetization of currency, the alleged transactions have been done to the tune of Rs.3,00,000/-. However, the accused was arrested and subsequently he was released on bail.

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 V, Metropolitan Magistrate, Egmore 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 report before the respondent police as and when required.

[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 229A IPC.

-sd/-

22/11/2018

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

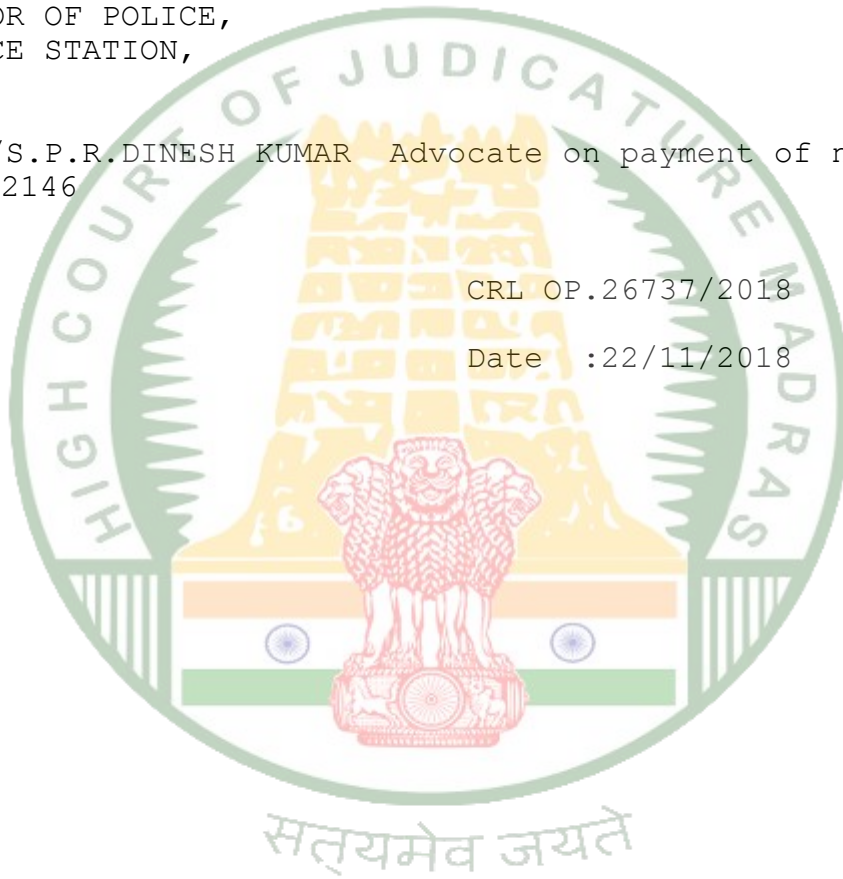
4 THE INSPECTOR OF POLICE,
P-2 OTTERI POLICE STATION,
CHENNAI.

+1 CC to M/S.P.R.DINESH KUMAR Advocate on payment of necessary
charges SR.NO. 22146

CRL OP.26737/2018

Date :22/11/2018

TA-29/11/2018



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