

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.2502 of 2019

1 DIPAN NATH
2 IMROJ ALAM

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE, [RESPONDENT]
KELAMBAKKAM POLICE STATION,
KELAMBAKKAM, KANCHEEPURAM DISTRICT.
CR.NO.45 OF 2019.

For Petitioner : M/S.R.VARALAKSHMI Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)

For Intervener : MR.D.RAVICHANDER Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who were apprehend arrest at the hands of the respondent police for the offence publishable under Sections 147, 294(b), 420, 341, 342 and 506(i) of IPC in Crime No.45 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had purchased a car from the defacto complainant for a sum of Rs.1,30,000/- and paid only a sum of Rs.20,000/- and the cheque that was given by the petitioner also bounced. When the defacto complainant asked for the balance amount, he was threatened.

3. The learned counsel appearing for the petitioner submitted that the petitioners have also given a complaint against the defacto complainant and the same has been registered by the very same respondent police in Crime No.44 of 2019 and this complaint is only a counter blast for the earlier complaint given by the petitioners.

4. The learned counsel appearing for the intervenor submitted that the defacto complainant was attacked by the petitioners and was also threatened, when the defacto complainant was requesting the petitioners to repay back the balance amount.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant Anticipatory bail to the petitioners. 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 on which the order copy made ready, before the learned Judicial Magistrate-I, Chengalpattu on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 petitioners shall report before the respondent Police once in a week i.e. every Monday at 10.30 a.m. for a period of 4 weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners 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/-

12/02/2019

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.I, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KELAMBAKKAM POLICE STATION,
KELAMBAKKAM, KANCHEEPURAM DISTRICT.

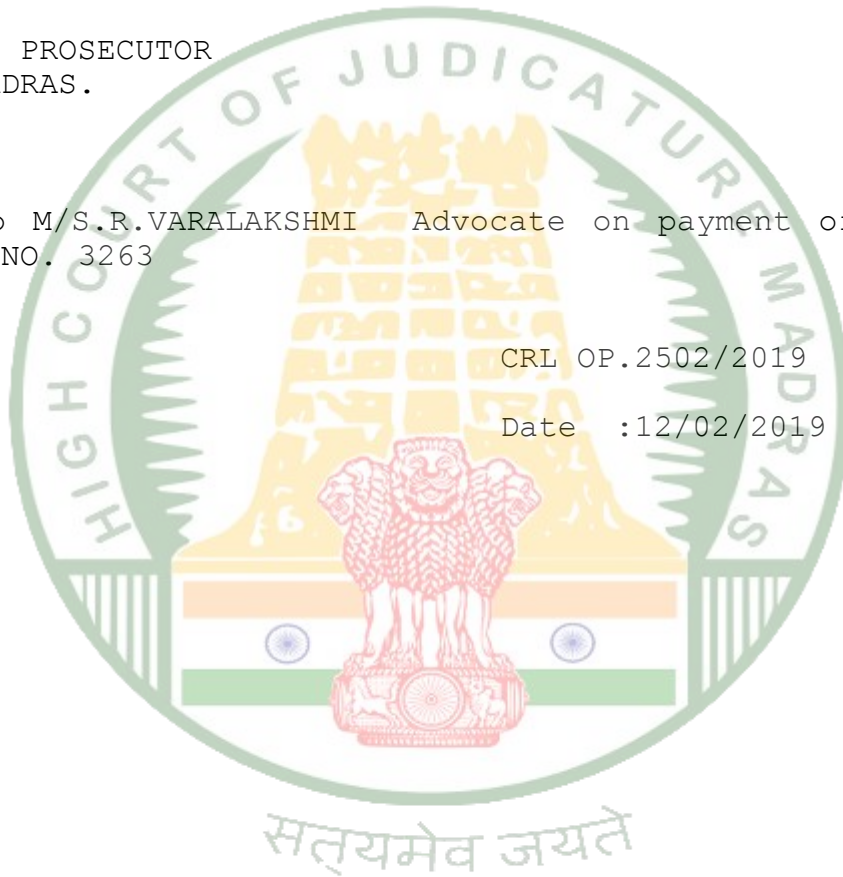
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.VARALAKSHMI Advocate on payment of necessary
charges in SR.NO. 3263

CRL OP.2502/2019

Date :12/02/2019

MLT-15/02/2019



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