

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.9564 of 2019

1 SINDHU @ LAKSHMI
2 V.MAHADEVAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
R-3 ASHOK NAGAR POLICE STATION,
CHENNAI.
CR.NO.665 OF 2018.

[RESPONDENT]

For Petitioner : M/S.JAI GANESH Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, in Crime No.665 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the accused persons had borrowed a sum of Rs.28,00,000/- from the defacto complainant as short term loan between the period from 2014 to 2016 and subsequently, did not repay the said amount. The cheques given by them in the year 2018 was also dishonored. Therefore, according to the complaint, the petitioners have cheated the defacto complainant by not repaying the said amount.

3. The learned counsel for the petitioners submitted that a simple money transaction has been given a criminal colour in this case and no offence has been made out.

4. The learned Additional Public Prosecutor submitted that the petitioners, after receiving the amount, failed to repay the amount and even the cheques given by them got dishonored.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to 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 on which the order copy made ready, before the Learned XVII, Metropolitan Magistrate, Saidapet, on condition that the petitioners 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 petitioners 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 first petitioner shall appear before the respondent Police as and when required and the second petitioner shall report before the respondent police every Monday at 10.30 a.m. for a period of four weeks, and thereafter, as and when required.

[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 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]**.

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

-sd/-
09/04/2019

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 METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-3 ASHOK NAGAR POLICE STATION,
CHENNAI.

+1 CC to M/S.JAI GANESH Advocate on payment of necessary
charges SR.NO.7344

CRL OP.9564/2019

Date :09/04/2019

TA-11/04/2019