

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Seventh day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.1399 of 2020

1 K.MUTHUSAMY
2 M.PRADEEPKUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ERODE DISTRICT.
CR.NO.1/2020.

[RESPONDENT]

For Petitioner : M/S.N.MANOCHARAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

FOR INTERVENOR : M/S C.S.SARAVANAN Advocate

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 alleged offence under Sections 120 B, 420 and 506 (i) of I.P.C. in Cr.No.1 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that during the course of business transaction, the petitioners are alleged to have failed to pay a sum of Rs.15 Lakhs due to the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant failed to settle the sum of Rs.22 Lakhs due to the petitioners and in order to drag on the petitioners, the defacto complainant lodged a false complaint before the respondent Police and the Police forced the petitioners to pay a sum of Rs.4 Lakhs to the defacto complainant.

4.The learned counsel appearing for the petitioners on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.3,50,000/- to the credit of the crime number.

5.The learned counsel appearing for the intervenor would submit that if the petitioners are ready to deposit some amount, this Court may consider for releasing them in anticipatory bail.

6.The learned Additional Public Prosecutor would submit that investigation is pending.

7.Considering the fact that the petitioners are ready to deposit a sum of Rs.3,50,000/-, this Court is inclined to grant anticipatory bail to the petitioners.

8.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 Judicial Magistrate Court No.II, Erode, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a)the petitioners shall jointly deposit a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand Only) to the credit of Cr.No.1 of 2020 before the learned Judicial Magistrate Court No.II, Erode, within a period of two weeks.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(e)the petitioners 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 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]; and;

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

-sd/-

27/01/2020

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.II, ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ERODE DISTRICT.

CC to M/S.N.MANOCHARAN Advocate on payment of necessary charges
SR.NO.1547

CRL OP.1399/2020

Date :27/01/2020

RVR 30/01/2020

WEB COPY