

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4252 of 2020

1 BALAJI
2 SOMU @ SOMASUNDARAM
3 PACHIAYAPPAN
4 ELUMALAI
5 SELVAKUMAR
6 KARTHIKEYAN
7 K.MANI
8 R.PARTHIBAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY,
INSPECTOR OF POLICE,
DCB POLICE STATION,
VELLORE, VELLORE DISTRICT.
CRIME NO. 34 OF 2019.

[RESPONDENT]

For Petitioner : M/S.M.RAJENDIRAN Advocate

For Respondent : MR.K.PRABAKAR, 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 **Sections 403, 421, 120(B) & 560(i) IPC in Crime No.34 of 2019** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Venkadeshwaran, Branch Manager of Sriram Chits Finance Company, is that the petitioners have obtained loan for purchase of tractor and agreed to repay the amount. Thereafter, they have not repaid the amount. When the defacto complainant had asked them to repay the amount, the petitioners have threatened him with dire consequences. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are poor farmers and they have taken loan from the defacto complainant's company by giving sufficient security, but due to drought, they were unable to repay the amount. Whereas, the defacto complainant gave false complaint stating that the petitioners have cheated him. He would submit that the defacto

complainant is also taking steps for recovery of loan and without resorting the terms of agreement, a false criminal complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted the petitioners have cheated the defacto complainant by not repaying the loan amount and also threatened him with dire consequences. However, he opposed for the grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 Judicial Magistrate-I, Vellore**, on condition that the petitioners shall execute a separate 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 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one week 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 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/-
17/03/2020

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.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DCB POLICE STATION,
VELLORE, VELLORE DISTRICT.

+1CC to M/S.M.RAJENDIRAN Advocate on payment of necessary charges SR NO.5179

CRL OP.4252/2020

Date :17/03/2020

MK:16/04/2020

WEB COPY