

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5113 of 2020

AND CRL.MP.NO.3140 OF 2020

A.MALARVIZHI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
J-3, GUINDY POLICE STATION,
CHENNAI-32.

CR.NO.343 OF 2019.

G.MUTHURAMAN

[INTERVENER PETITIONER/DEFACTO COMPLAINANT]

**ALLOWED AS PER THE ORDER OF THIS COURT DATED 10/03/2020 MADE IN
CRL.MP.3140/2020 IN CRL.OP.NO.5113/2020.**

For Petitioner : M/S.S.RAMAJAYAM Advocate

For Respondent : MR.S.THANKIRA Govt. Advocate (Crl. Side)

FOR Intervener : M/S.K.THANGARASU Advocate

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

- 1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Section 420 of IPC in Cr.No.32 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution are that the defacto complainant had supplied TMT Rods to the tune of Rs.2,60,000/- to the Petitioner and she had promised to give cash, whereas she had given a cheque and when the cheque was presented for collection, it was dishonoured on the ground of insufficient funds and thereafter, the Petitioner failed to pay the amount. Hence, the Petitioner has been implicated as an accused in the case on hand.
- 3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
- 4.According to the learned counsel for the Petitioner, she is

The Petitioner had issued a cheque as early as in the year 2015 and thereafter, the defacto complainant failed to proceed in accordance with law, by filing a complaint under Section 138 of the Negotiable Instruments Act. Whereas the present complaint has been made by the defacto complainant, with the influence of police personnel, as if he was cheated. The Petitioner was issued with summons and she had also appeared before the Respondent Police and also given a statement. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.

5. The learned counsel for the Intervenor would submit that the Petitioner had supplied TMT Rods from the defacto complainant and a cheque was issued by the Petitioner and when it was presented for encashment, it was dishonoured for want of sufficient funds. He would oppose for granting anticipatory bail to the Petitioner.

6. The learned Government Advocate would oppose for granting anticipatory bail to the Petitioner.

7. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioner, however, on stringent conditions. Accordingly, the Petitioner is hereby ordered to be released on anticipatory bail, in the event of his arrest or on his appearance before the XVII Metropolitan Magistrate, Saidapet, within 15 days from the date of receipt of a copy of this order and further on the Petitioner complying with the following conditions, without fail:-

i. If the Petitioner fails to surrender before the XVII Metropolitan Magistrate, Saidapet, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.

ii. 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 XVII Metropolitan Magistrate, Saidapet. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

iii. The Petitioner shall report before the Respondent Police, daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required, until further orders.

iv. The Petitioner shall not abscond either during the investigation or the trial. The Petitioner shall not tamper with evidence or witness, either during the investigation or the trial.

v. On breach of any of the aforesaid conditions, the concerned 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 is released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560**

(P.K.Shaji Vs. State of Kerala).

vi. If the Petitioner, thereafter, absconds, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-
10/03/2020

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 METROPOLITAN MAGISTRATE,
XVII.SAIDAPET,CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP.BY
THE INSPECTOR OF POLICE, J-3, GUINDY POLICE
STATION, CHENNAI-32.CR.NO.343 OF 2019.

+1 CC to M/S.S.RAMAJAYAM Advocate on payment of necessary
charges SR.NO. 4804

+1 CC to M/S.K.THANGARASU Advocate on payment of necessary
charges SR.NO. 4885

CRL OP.5113/2020

AND CRL.MP.NO.3140 OF 2020

Date :10/03/2020

RD 12/03/2020