

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.7107 of 2020

G.Manikandan

... Petitioner

..Vs..

The State,

Rep. By the Inspector of police,
E-3, Minjur Police Station,
Minjur-601 203.

(Crime No.96 of 2020) ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, seeking to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No.96 of 2020 on the file of the Inspector of Police, E-3, Minjur Police Station, Minjur-601 203.

For Petitioner : M/s.T.K.Sathia Seelan

For Respondent : M.Mohammed Riyaz, APP

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 420, 506(ii) of IPC in Crime No.96 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons had taken a Mini Lorry for lease from the de facto complainant. It is alleged that the accused persons did not pay any rental amount and were also refusing to return back the vehicle. There are totally two accused persons in this case and the petitioner is arrayed as A2.

3. The learned counsel appearing for the petitioner submitted that a civil dispute has been given a criminal colour.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner has neither paid the rental amount nor has returned back the vehicle to the de facto complainant and when this was questioned, the petitioner and the other accused persons had threatened and abused the de facto complainant.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Ponneri on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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, 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 petitioner is directed to return back the Mini Lorry taken on lease from the de facto complainant. The proof of the same shall be filed before the Court below. This is without prejudice to the right of the petitioner to contest his claim independently on merits.

[c] the petitioner shall report before the respondent police, as and when required for interrogation.

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

[e] the petitioner 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 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].

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

-sd/-

10/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

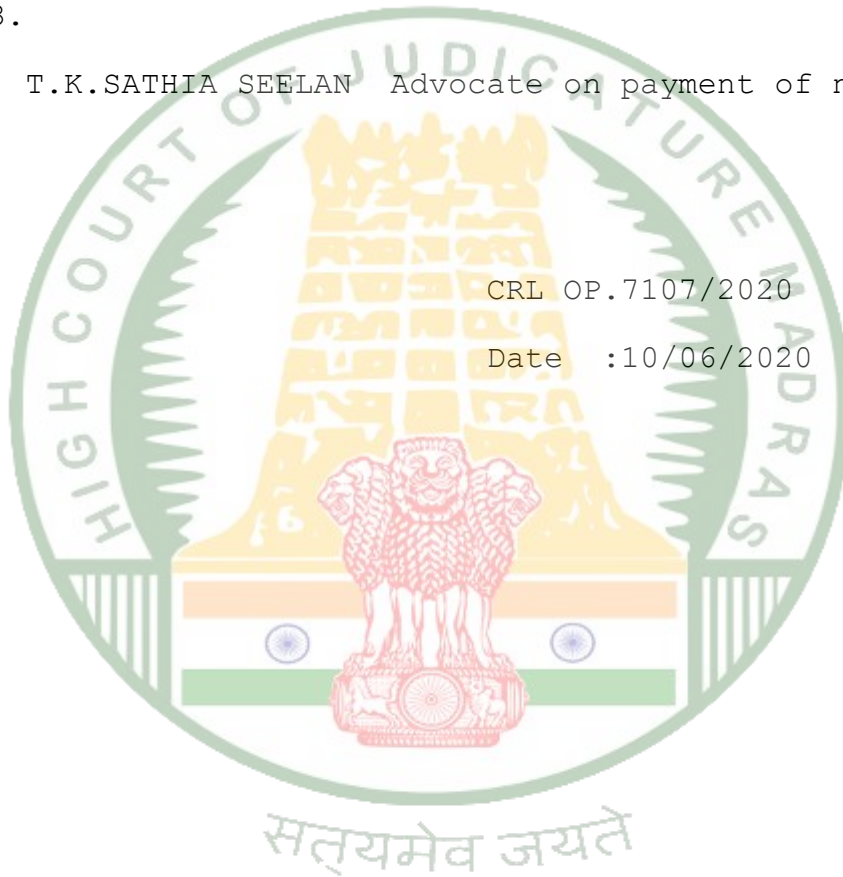
3 THE INSPECTOR OF POLICE,
E3, MINJUR POLICE STATION,
MINJUR -601 203.

CC to M/S. T.K.SATHIA SEELAN Advocate on payment of necessary
charges

CRL OP.7107/2020

Date :10/06/2020

cs 09/07/2020



WEB COPY