

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 10027 of 2020

R.Ramesh

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
(Crime No.540 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.540 of 2019 on the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420, 506 (ii) of IPC in Crime No.540 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had borrowed an agricultural loan in the Canara Bank and having Savings Bank Account. The defacto complainant was not known the procedure to use ATM card. Therefore, he approached the 1st accused and the petitioner. The accused persons both are wellknown to the public as a political associates. Utilising the said circumstances, the accused persons have withdrawn a sum of Rs.23,000/- without the consent and knowledge of the defacto complainant. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that there are two accused, in which the 1st accused was arrested and released on bail and they have not involved in any offence as alleged by the prosecution. He would further submit

that the defacto complainant borrowed a sum of Rs.1 lakh as hand loan with 2% of interest and failed to return the amount. Therefore, a false case has been foisted against him. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with another accused, his wife have taken the ATM card of the defacto complainant and withdrawn a sum of Rs.23,000/-. Now, A1 was arrested and released on bail. So far, no recovery from the accused persons. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are two accused, the petitioner is arrayed as A2. A1 was arrested and released on bail. The case of the prosecution is that both the accused persons have taken the ATM card and they have withdrawn a sum of Rs.23,000/-. Now, the learned counsel appearing for the petitioner would submit that they are ready to deposit the amount in Crime No. 540 of 2019. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.23,000/- (Rupees twenty three thousand only) to the credit of Crime No. 540 of 2019, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned District Munsif cum Judicial Magistrate, Nannilam, on condition that 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 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 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

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

-sd/-
03/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

CRL OP.10027/2020

Date : 03/07/2020

GKS (RD) : 12/08/2020