

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14967 of 2020

1.C.N.Paramasivam
2.Anandaraj

... Petitioners

Vs.

State rep.by,
The Sub-Inspector of Police,
Pallipalayam Police Station,
Namakka District.
Crime No.901 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.901 of 2020 pending on the file of the Sub-Inspector of Police, Pallipalayam Police Station, Namakkal District.

For Petitioners: Mr.G.Karthikeyan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 323 and 384 of IPC, in Crime No.901 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Dinesh Kannan, is that there was a money dispute between the petitioners / accused and the de-facto complainant. The accused took the de-facto complainant in a Car under the guise of going to a tea shop and thereafter, assaulted and got his signature forcefully in a blank promissory note. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners and the de-facto complainant are running business in Coimbatore and they know each other for several years. There was a money dispute between them and in order to avoid the legal proceedings, the de-facto complainant has filed this false complaint. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to money dispute between the petitioners and the de-facto complainant, the petitioners assaulted the de-facto complainant and took his signature in a blank promissory note forcefully. He would further submit that there is no previous case against the petitioners. However, he opposed to grant 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 with certain conditions:

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Kumarapalayam, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

24/09/2020

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,
KUMARAPALAYAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 SUB-INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.G.KARTHIKEYAN Advocate on payment of necessary charges

CRL OP.14967/2020

Date :24/09/2020

RVR 01/10/2020

सत्यमेव जयते

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