

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.15220 of 2020

1. Sinivasamoorthi
2. Mahesh
3. Loganath
4. Palanisamy

... Petitioners

Vs.

The Inspector of Police
Perundurai Police Station
Erode District
Crime No.676 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of arrest in
Crime No.676 of 2020 on the file of the respondent police

For Petitioners : G.K. Associates

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

O R D E R

(This case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 387, 365, 511 and 506(i) of IPC in Crime No.676 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that as per defacto complainant one Ramprasad Kayan is that one Habibulla has borrowed a sum of Rs.30,000/- from one Thorikul and he was unable to repay the money. Hence the said Thorikul took the bike and mobile phone from Habibulla as surety and the petitioners objected for the same. Hence the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners just acted as mediators to solve the issue arose between the petitioners and the defacto complainant and they are in no way connected to the

offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners. .

4. The learned Additional Public Prosecutor would submit that one Habibulla had borrowed a sum of Rs.30,000/- from one Thorikul and he was unable to repay the same. Hence, the said Thorikul and his friends had taken the bike and mobile phone of Habibulla. Therefore, the petitioners supported Habibulla and acted as mediators and asked the said Thorikul to return the bike and mobile phones, with an assurance that Habibulla will repay the money. After receiving the bike and mobile phones, the said Habibulla failed to repay the borrowed amount. Hence, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of the copy of the order, the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees fifteen 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 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 daily 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
28/09/2020

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,
PERUNDURAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S.G.K.ASSOCIATES Advocate on payment of necessary charges SR.No.6519

CRL OP.15220/2020

Date :28/09/2020

cs 08/10/2020