

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.15364 of 2020

1. Suresh ... Petitioners
2. Venkatesh @ Venkateshwaran
3. V.Balasubramaniam
4. Navaneetha Krishnan

Vs.

The State represented by ... Respondent
The Inspector of police,
Kundalam police station,
Tiruppur District
Crime No.919 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.919 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.Muruganantham

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

ORDER

(This case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 294
(b), 324, 506(ii), 341 of IPC and Section 3 of the Public property
(Prevention of Damage & Loss) Act, 1992 in Crime No.919 of 2020, on
the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant
one Rathinbavadivel is that he is working as Regional Manager in
Sakthi Finance and that the first petitioner had taken loan from the
said Finance and failed to repay the same, when the defacto
complainant had taken action for recovering the amount, the accused
persons have threatened him and assaulted him with wooden logs and
also caused damages to his car. 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 further submit that there was a dispute with regard to loan between the petitioners and the Defacto Complainant. Due to which the petitioners and the defacto complainant came to the house of the petitioners with rowdy elements and assaulted the petitioners. It is not the case where the petitioners went to the defacto complainant and it is the case where the defacto complainant came to the house of the petitioners and assaulted the petitioners and threatened them with dire consequences. He would further submit that the petitioners are prepared to deposit Rs.5,000/- each to the credit of above crime no. to show their bonafide. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first petitioner had taken a loan from the bank in which the defacto complainant is working as Regional Manager and they failed to repay the amount and that the defacto complainant, who is a Regional Manager of the Bank had gone to the house of the first petitioner regarding non repayment of loan and at that time the petitioner had threatened him with dire consequences and caused damage to his car. Hence, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and that the petitioners have come forward to deposit Rs.5,000/- each to the credit of Crime No. this Court is inclined to grant anticipatory bail to the petitioners with certain condition.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) each, to the credit of crime No.919 of 2020 and on such deposit, 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 from the date on which the order copy is made ready**, before the learned Judicial Magistrate, Dharapuram on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) each, to the credit of crime No.919 of 2020 before executing the bonds.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

[d] the final order in respect of the said deposit shall be passed by the learned trial judge at the conclusion of trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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]**; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

-sd/-

29/09/2020

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPPUR DISTRICT

CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.15364/2020

Date :29/09/2020