

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.16565 of 2020

A. Anandan

... Petitioner

Vs.

The State represented by
The Inspector of police,
Ranipet Police Station,
Vellore District.
Crime No.1232 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.1232 of 2020 on the file of the respondent police.

For Petitioner : Mr.J. Prakasam

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 406, 420, 294(b) and 506(i) of IPC in Crime No.1232 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that he has a bore well drilling machine and the petitioner hired the services of the defacto complainant to dig a bore well in his land. The petitioner after availing the services, failed to pay the agreed amount to the defacto complainant. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that he is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has paid the agreed amount due to the petitioner and there is no balance. However, on wrong calculation of the depth of the bore and the materials used, a false claim is made. A civil claim is converted to a false criminal complaint. Hence, he prays for grant of anticipatory bail to the

4. The learned Additional Public Prosecutor would submit that the petitioner hired the services of the defacto complainant to dig a bore well and after completion of work, failed to pay the entire amount as agreed with the defacto complainant. He would further submit that there is no previous case as against the petitioner. However, he opposed to grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioners is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, 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 District munsif cum Judicial Magistrate Court, Ranipet 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 every day at 10.30 a.m., for a period of two weeks until further orders.

[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 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 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/-
16/10/2020

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 COURT,
RANIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
RANIPET POLICE STATION,
VELLORE DISTRICT.

CC to Mr.J. Prakasam Advocate on payment of necessary charges

CRL OP.16565/2020

Date :16/10/2020

cs 23/10/2020

WEB COPY