

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.16701 of 2020

A.Sankar

... Petitioner

Vs.

State of Tamilnadu Represented by,
The Sub- Inspector of Police,
Arakkonam Town Police Station,
Arakkonam,
Vellore District.
(Cr.No.406 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.406 of 2018 pending on the file of the respondent police.

For Petitioner : Mr.A.Gopinath

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 506 (1) of IPC, in Crime No.406 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner borrowed a sum of Rs.8,00,000/- by mortgage his property and since he was unable to repay the amount he had executed a sale deed infavour of the defacto complainant, with the assurance to vacate the premises after some time. Whereas the petitioner refused to vacate the premises. On 16.10.2017 the petitioner assaulted the defacto complainant and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that A1 has been granted Anticipatory Bail by the learned Principal Sessions Judge. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there is a money dispute between the petitioner and the defacto complainant. The petitioner had executed a sale deed in favour of the defacto complainant with an assurance to vacate and later refused to vacate from the premises. He would also submit that though the case has been registered for offences under Sections 420 and 506 (1) of IPC the final report has been filed only for under Sections 294b and 506(i) before the learned Judicial Magistrate, Arakonam on 24.09.2020 and it is yet to be taken on file.

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate, Arakkonam, Vellore District 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 learned Judicial Magistrate, Arakonam daily at 10.30 a.m., for a period of two weeks and thereafter on 1st working day of every month, 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/ 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.

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

-sd/-
28/10/2020

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 JUDICIAL MAGISTRATE,
ARAKKONAM, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
ARAKKONAM, VELLORE DISTRICT.

+1CC to M/S. A.GOPINATH Advocate on payment of necessary charges SR NO.7113

CRL OP.16701/2020

Date :28/10/2020

MK:09/11/2020