

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.16911 of 2020

E.Ganasekar

... Petitioner

Vs.

The Inspector of Police,
Rajamangalam Police Station,
Rajamangalam, Chennai.
(Cr.No.Not Known of 2020) ... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in connection with Cr.No.Not known of 2020 pending on the file of the respondent police in the event of his arrest.

For Petitioner : Mr.S.Madhusudanan

For Respondent : Ms.T.P.Savitha
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506 (ii) of IPC in Crime No.not known of 2020 on the file of the respondent police, seeks anticipatory bail.

2. According to the petitioner, six years back he borrowed a sum of Rs.5,00,000/- from one Malaivasan, who is the defacto complainant and repaid the same. When he demanded additional interest, the petitioner refused to give the same to the defacto complainant. Hence, the false complaint has been given against the petitioner by said Malaivasan.

3. The learned Government Advocate appearing for the respondent police would state that the complaint has been received from Malaivasan that 12 persons including the present petitioner have borrowed the money and cheated him. While all other 11 persons have participated in the enquiry, the present petitioner did not co-operate with the enquiry and hence, he approached this Court seeking anticipatory bail. The learned Government Advocate would

further state that C.S.R.No.453 of 2020 is registered on 11.10.2020 based on the complaint given by said Malaivasan.

4. Considering the facts placed by the learned counsel for the petitioner and the learned Government Advocate, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days, before the learned X Metropolitan Magistrate, Egmore, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only), with two sureties each for a like sum to the satisfaction of the respondent police or to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of 15 days and thereafter, as and when required for interrogation. Further, the petitioner shall co-operate with the enquiry.

[d] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On failure to comply the condition or 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

23/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE METROPOLITAN MAGISTRATE,
NO.X, EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

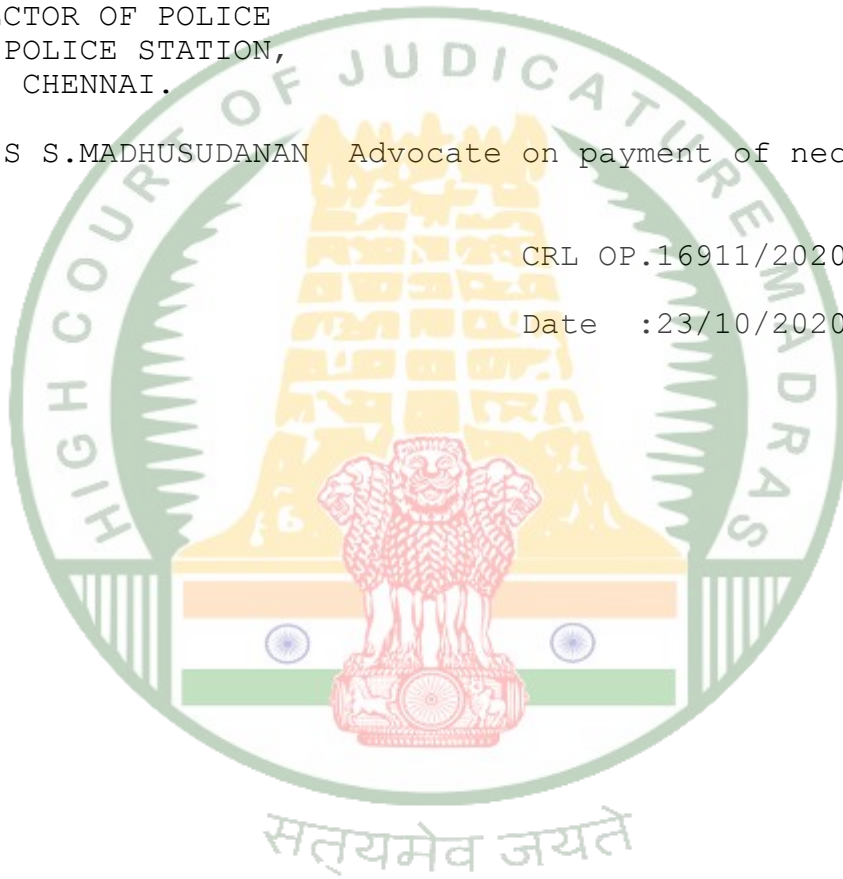
4 THE INSPECTOR OF POLICE
RAJAMANGALAM POLICE STATION,
RAJAMANGALAM, CHENNAI.

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

CRL OP.16911/2020

Date :23/10/2020

TA-03/11/2020



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