

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.12.2020

CORAM

THE HON'BLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17428 of 2020

Radhakrishnan

... Petitioner

Vs.

State represented by

The Inspector of Police,

Singanallur Police Station,

Coimbatore District.

(Cr.No.1540 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.1540 of 2020 pending investigation on the file of the respondent police.

For Petitioner : M/s.K.M.Vijayan Associates

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

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 324, 506(ii), 307 of IPC, 75(1)(c) of Tamil Nadu City Police Act, 1888 and Section 3(1) Prevention of Damage to Public Property Act, 1984, in Crime No.1540 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 the son of the petitioner has borrowed a sum of Rs.33,00,000/- from the defacto complainant and he had repaid a sum of Rs.5,00,000/- and seeking time for paying the balance amount of Rs.28,00,000/-. Thereafter, when the defacto complainant asked the balance amount, the petitioner asked him to come to his house under the guise of making payment. At that time, the accused persons started quarreling with the defacto complainant, abused and attacked the defacto complainant and also damaged the Audi Car belonging to the defacto complainant with stone. Hence, the compliant.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the due to financial transaction between the son of the petitioner and the defacto

complainant a wordy quarrel arose between them, at the time of incident the first accused had been arrested and enlarged on bail. He further submitted that without prejudice to his contention the petitioner is prepared to deposit a sum of Rs.1,00,000/- (Rupees one lakh only), to the credit of Crime No.1540 of 2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the son of the petitioner is the main accused in this case and also submitted that son of the petitioner has borrowed a sum of Rs.33,00,000/- from the defacto complainant and he had repaid a sum of Rs.5,00,000/- and seeking time for paying the balance amount of Rs.28,00,000/-. Thereafter, when the defacto complainant asked the balance amount, the petitioner asked him to come to his house under the guise of making payment. At that time, the accused persons started quarreling with the defacto complainant, abused and attacked the defacto complainant and also damaged the Audi Car belonging to the defacto complainant with stone. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

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 his 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-3, Coimbatore, 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 respondent police every day at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) jointly, to the credit of Crime No.1540 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready. The final decision with regard to the deposited money shall be taken after disposal of trial.

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

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

[f] 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].

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

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

-sd/-

08/12/2020

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,
NO.3, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SINGANAILLUR POLICE STATION, सत्यमेव जयते
COIMBATORE DISTRICT.

CC to M/S.K.M.VIJAYAN ASSOCIATES Advocate on payment of
necessary charges

CRL OP.17428/2020

Date :08/12/2020

RVR 17/12/2020