

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18686 of 2020

K.Ranjith Baba

... Petitioner

Vs.

The State rep. by
The Inspector of Police (Crime)
E-4 Abiramapuram Police Station
Chennai-600 018.
Crime No.2473 of 2015.Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.2473 of 2015 pending on the file of the respondent police.

For Petitioner : Mr.S.John

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420 and 506(ii) IPC, in Crime No.2473 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had taken a loan of Rs.4,00,000/- from the de-facto complainant in the year 2015 and agreed to pay Rs.5,00,000/- in return and thereafter, he had not repaid the agreed amount. Hence, the complaint came to be lodged.

3. The learned counsel for the petitioner would submit that it is only a financial transaction and for the interest, the amount was let out and the petitioner has been making repayments regularly and thereafter, due to business restraints, he was unable to make the payments and for a civil transaction, a criminal colour has been given and the case has been registered in the year 2015 and it has been kept pending from the year 2015 and now, the respondent

police is attempted to arrest the petitioner and hence, on the apprehension, the present anticipatory bail petition has been filed. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and the de-facto complainant had a business relationship and on the promise made by the petitioner, the de-facto complainant was deceived and made to give an amount of Rs.4,00,000/- and that the petitioner, after taking the loan had failed to contact the de-facto complainant and the petitioner only with an intention to cheat the de-facto complainant, had obtained the loan amount. Further, when the de-facto complainant asked for return of money, the petitioner threatened the de-facto complainant that he would be done away. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the transaction took place in the year 2015 and the case has been kept pending from the year 2015 and it is a commercial transaction, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned XXIII Metropolitan Magistrate, Saidapet**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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 as and when required for interrogation.

[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 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.

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

-sd/-

30/11/2020

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 METROPOLITAN MAGISTRATE,
XXIII, SAIDAPET.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME)
E-4, ABIRAMAPURAM POLICE STATION,
CHENNAI-18.

CC to M/S.S.JOHN J. RAJA SINGH Advocate on payment of
necessary charges

CRL OP.18686/2020

Date :30/11/2020

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