

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Cr1.O.P.No.20904 of 2020

1.P.Muthu @ Muthukrishnan
2.Nataraj
3.Ranjith

.. Petitioners

Vs.

The State rep. by
The Inspector of Police,
Shevpat Police Station,
Shevpat, Salem City, Salem.
Cr.No.1298 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1298 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.M.Mohamed Muzammil
Government Advocate (Cr1.Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 447, 294(b), 323 and 506(i) of IPC in Crime No.1298 of 2020 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioners submitted that there was a business transaction between the petitioners and the defacto complainant. The defacto complainant said to have purchased the groundnut kernels worth about Rs.80,00,000/- from the petitioners on credit basis and issued a cheque. When the cheque was presented for collection by the first petitioner, it was returned as no funds available. when the first petitioner claimed the money, a false case has been foisted against the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital. The core issue involved in this case is a monetary dispute between the parties and that has to be settled before the competent Court by resorting to proper legal proceedings.

5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-III, Salem, Salem District, on condition that each of 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 and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

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

-sd/-

30/12/2020

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, SALEM, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHEVPAT POLICE STATION,
SHEVPAT, SALEM CITY, SALEM.

+1 CC to M/S.C.PRAKASAM Advocate on payment of necessary charges
SR.No.11

cs 06/01/2021



CRL OP.20904/2020

Date :30/12/2020

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