

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Eighth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.33865 of 2019

M.PARAMASIVAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR CITY DISTRICT.
CRIME NO.1267 OF 2019.

[RESPONDENT]

For Petitioner : M/S.D.ALEXIS SUDHAKAR Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S.V.VIJAYAKUMAR Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 294(b), 405, 418, 420, 506(i) of IPC in Crime No.1267 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner is arrayed as A2 in this case and the allegation is that the defacto complainant, a yarn supplier had supplied yarn worth about Rs. 12,72,000/- to the present petitioner, who has failed to make payment for the same. Due to non payment of supplied items, the defacto complainant filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that on an earlier occasion, this Court heard briefly and sensed a possibility for resolving the dispute through Mediation, but it was failed. It is further submitted by the learned counsel, that the petitioner without prejudice to his rights, is ready and willing to deposit Rs.10,00,000/- to the credit of crime number and the co accused /A3 has been enlarged on bail. Thereafter the said amount dispursed to the defacto complainant. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that investigation is still pending.

5.The learned counsel appearing for the defacto complainant would submit that without prejudice to his contention, the complainant may be permitted to withdraw, when it is deposited by the petitioner.

5.Considering the facts and circumstances of the case and the learned counsel for the petitioner has come forward to deposit a sum of Rs.10,00,000/- to the credit of Crime Number and already the co accused has enlarged on bail, hence this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed to deposit a sum of Rs.10 lakhs to the credit of Cr.No.1267 of 2019 within a period of four weeks from the date of which the order is made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate-I, Tiruppur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioner is directed to deposit a sum of Rs.10,00,000/-(Rupees Ten Lakhs only) to the credit of Cr.NO.1267 of 2019, before the learned Judicial Magistrate-I, Tiruppur District, within a period of four weeks from the date on which the order copy is made ready; On receipt of such payment, the learned Magistrate may disburse the amount to the defacto complainant, within a period of two weeks thereafter.

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
28/02/2020

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.I,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR CITY DISTRICT.

5 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

+1CC to M/S.D.ALEXIS SUDHAKAR Advocate on payment of necessary charges SR NO.4048

+1CC to M/S.V.VIJAYA KUMAR Advocate on payment of necessary charges SR NO.4112

CRL OP.33865/2019

Date :28/02/2020