



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.12099 of 2020

Vinoth Lawrence

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
In Crime No.766 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Sidharthan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.766 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 506(i) and 420 IPC, in Crime No.766 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant believing the words of the first accused, mother of the petitioner herein, has handed over a sum of Rs.8,00,000/- for the purpose of availing loan from a Trust for constructing house. However, the first accused failed to obtain any loan in favour of the defacto complainant. When he demanded return of the said money, the accused persons failed to settle the amount and threatened with dire consequences. Hence, he made a complaint against the first accused.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.



4.The learned counsel for the petitioner submitted that the petitioner is none other than the son of the first accused. He further submitted that the entire allegations are levelled only against her mother. The only allegation foisted against the petitioner is that the petitioner is said to have threatened the defacto complainant with dire consequences demanding to withdraw the complaint lodged as against his mother. He further submitted that the petitioner has not committed any offence as alleged by the prosecution. However, the petitioner is now ready and willing to deposit a substantial amount to show his *bonafide*. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Criminal Side) would submit that there are totally three named accused and four unnamed accused persons. The accused persons had spoken sugar coated words as if they will made arrangements for availing loan to construct a house and received a sum of Rs.8 lakhs from the defacto complainant. After receipt of the said amount, the accused persons failed to avail any loan for the defacto complainant, refused to return the money and also threatened him with dire consequences.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.766 of 2020 before the learned Judicial Magistrate, Manapparai, Trichy *within a period of four weeks* without prejudice to his rights and contention before the trial Court. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned learned Judicial Magistrate, Manapparai, Trichy and on his executing 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 learned Magistrate concerned 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 daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation



(e) 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;

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

sd/-
03/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, MANAPARAI,
TRICHY DISTRICT
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
VAIYAMPATTY POLICE STATION, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12099 of 2020
Date : 03/11/2020

TA
PK/AKM/SAR-III/18.11.2020 : 3P/5C