

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.1388 of 2021

1 N.ASHOKAN [PETITIONERS / ACCUSED]
2 G.SATHISH
3 D.SARAVANAN

Vs

STATE RP BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ARIYALUR DISTRICT.
CR NO.12/2020.

For Petitioner : M/S.R.GANESH KUMAR Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 407, 409, 420, 294(b) and 506(i) of IPC, in Crime No.12 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner is the Branch Manager, second and third petitioners are the Assistant Manager and employee of the REPCO Home Finance, Ariyalur. Further, the 1st petitioner had received a sum of Rs..5,00,000/- from the defacto complainant for the purpose of securing loan. Thereafter, the 1st petitioner had not arranged the loan and not returned the amount. Hence, the defacto complainant approached the Court below for issuing a direction to register the case against the petitioners, thereafter the case has been registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the Repco bank ahead civil suit for recovery was filed in O.S.No.10 of 2019 before the Principal District Judge, Ariyalur. He would further

submit that there is no previous case pending as against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners have cheated and threatened the defacto complainant. He would further submit that the investigation is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that there is no previous case pending against the petitioners and the civil suit is pending, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.1, Ariyalur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 appear before the respondent police daily at 10.30 a.m., for a period of two weeks 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
29/04/2021

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.1, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ARIYALUR DISTRICT.

+1 CC to M/S.R.GANESH KUMAR Advocate on payment of necessary charges SR.NO.5574

CRL OP.1388/2021

Date :29/04/2021

TA-11/05/2021

WEB COPY