

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.1720 of 2021

1 SAKTHIVEL
2 SENTHILKUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VELLAKOIL TOWN POLICE STATION,
TIRUPPUR.

CR.NO.16 OF 2021.

For Petitioner : M/S C.S.SARAVANAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (CrI. Side)

For Intervenor : M/S J.FRANKLIN Advocate

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 offence under Sections 34, 420 and 324 of IPC in Cr.No.16 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.10,00,000/- from the first petitioner, for which, he mortgaged his house in favour of the second petitioner and also he gave unsigned cheques and promissory note to the first petitioner. Thereafter, the defacto complainant has returned the full amount of Rs.10,00,000/- to the first petitioner. However, the first petitioner refused to return back the unsigned cheques and promissory note to the defacto complainant and threatened him to give further more Rs.20,00,000/-. Therefore, the Defacto Complainant made a complaint against the petitioners. Hence, this petition has been filed.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and also submitted that the petitioners will not insist any amount from the defacto complainant as indicated in the FIR. Accordingly, he prayed for anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the petitioners along with the other accused persons threatened the defacto complainant and intentionally dashed the defacto complainant's vehicle and caused injuries to the defacto complainant. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the submission of the learned counsel for the petitioners that the petitioners will not insist any amount from the defacto complainant, 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 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, Kangeyam, on condition that the petitioners 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 Court concerned 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 15 days and thereafter shall report before the respondent police on every Monday at 10.30 a.m., for a period of four 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]; and;

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

-sd/-

19/04/2021

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,
KANGEYAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIUPPUR(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VELLAKOIL TOWN POLICE STATION,
TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S C.S.SARAVANAN Advocate on payment of necessary charges Sr.5081

CRL OP.1720/2021

Date :19/04/2021

RVR 28/04/2021