

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twentieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.1858 of 2021

1 THANGAMUTHU
2 GOPALAKRISHNAN
3 CHELLAMUTHU

[PETITIONERS / ACCUSED]

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
VELLAKOIL TOWN POLICE STATION,
TIRUPPUR DISTRICT.
CR NO.16/2021.

[RESPONDENT]

For Petitioner : M/S.S.KOLANDASAMY Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (CrI. 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 offence under Sections 34, 420 and 324 of IPC in Crime No.16 of 2021 seek anticipatory bail.

2. The case of the prosecution is that the Accused A1 is the friend of Defacto Complainant. The Defacto Complainant had obtained loan of Rs.10,00,000/- from the Accused A1 for which he had mortgaged his house in favour of the 2nd Accused who is the cousin of the 1st Accused. The Defacto Complainant also had given unsigned cheques and promissory note to the 1st Accused. On 10.03.2020, the Defacto Complainant had settled the full loan amount of Rs.10,00,000/- to the 1st Accused and therefore the deed executed in favour of the 2nd Accused was cancelled. But the Accused A1 has refused to give back the unsigned cheques and promissory note to the Defacto Complainant. Hence this Complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. Further, he would submit that the co-accused have already been granted anticipatory bail in Crl.O.P.No.1720 of 2021 dated 19.04.2021. Hence, he seeks for grant of anticipatory bail to these petitioners also.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally five accused in this case and the Accused 1 and 2 have already been granted anticipatory bail before this Court.

5. Considering the facts and circumstances of the case and the fact that the co-accused have already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to these petitioners also with certain conditions. 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 on which the order copy made ready before the Judicial Magistrate, Kangeyam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousands 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 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/-

20/04/2021

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
TIRUPPUR (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.KOLANDASAMY Advocate on payment of necessary charges

CRL OP.1858/2021

Date : 20/04/2021

RVR 24/06/2021

WEB COPY