

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.2038 of 2020

1. Sanathkumar
2. Harinishri

.. Petitioners

Vs

State represented by
The Inspector of Police,
District Crime Branch,
Namakkal District
(Crime No.18 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on in the event of their arrest concerned in Crime No.18 of 2020, on the file of the respondent police.

For Petitioner : Mr.R. Nalliyappan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 294(b) and 506(i) of I.P.C, in Crime No.18 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have borrowed a sum of Rs. 2,90,000/- from the defacto complainant due to urgent medical expenses. It is alleged when the defacto complainant asked the petitioners to return the money, they have refused to return the money and also abused him with filthy language and also threatened him with dire consequences. Hence the complainant.

3. Heard the learned counsel for the petitioners and the respondent.

4. Taking into consideration, the facts and circumstances of the case and admittedly there was a money dispute between the parties and the petitioners now agreed to pay a sum of Rs.1,75,000/- to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6. Accordingly, the petitioners are ordered to deposit a sum of Rs.1,75,000/- to the credit of Crime No.18 of 2020 on the file of Judicial Magistrate, Kumarapalayam and on such payment being made, they shall 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 learned Judicial Magistrate, Kumarapalayam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties 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 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].

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

Post the matter for reporting compliance on 15.03.2021.

-sd/-
17/02/2021

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,
KUMARAPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

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

CRL OP.2038/2021

Date :17/02/2021

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EP-08/03/2021