

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.4744 of 2021

E.THANGARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP. BY [RESPONDENT]

THE INSPECTOR OF POLICE,
K-10, KOYAMBEDU POLICE STATION,
CHENNAI.

(CRIME NO 1203 OF 2020)

For Petitioner : M/S. V.C.VINOTH KUMAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (crl.side)

For Intervener : M/S. M.KRISHNAMOORTHY Advocate [IN CRL.MP.3738/2021]

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

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 381, 406, 420 of IPC and Section 72 of Information Technology Act in Cr.No.1203 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that from 09.12.2020, the petitioner failed to attend the work in the defacto complainant's concern and he also failed to answer the calls of the defacto complainant. The prosecution alleges that the petitioner obtained a loan for an amount of Rs.2,40,000/- and failed to repay. He also took the Laptop, Mobile Phone and Motor Cycle of the defacto complainant. Therefore, the defacto complainant lodged a complaint with the respondent police. Hence, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the defacto complainant collected the Laptop, Mobile Phone and Pendrive from the petitioner. But however, he made a complaint against the petitioner.

4. The learned Additional Public Prosecutor would submit that this Court earlier directed the petitioner to appear before the respondent police and co-operate with the investigation. Accordingly, an enquiry was conducted on 01.04.2021.

5. Considering the above said facts, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned V Metropolitan Magistrate Court, Egmore, on condition that 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 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 Court concerned 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 two weeks 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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]; 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 METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
K10,KOYAMBEDU POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. V.C.VINOTH KUMAR Advocate on payment of necessary charges SR.No.5102

सत्यमेव जयते

CRL OP.4744/2021

Date :19/04/2021

cs 27/04/2021

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