

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.4454 of 2020

Dasalmulk

...Petitioner

Versus

State represented by
The Inspector of Police,
Melmaruvathur Police Station,
Kancheepuram District.
(Crime No.253 of 2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of apprehending arrest in the Crime No.253 of 2019 on the respondent Police.

For Petitioner : Mr.R.Arundattan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 417 & 420 IPC in Cr.No.253 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a finance company and the petitioner has borrowed an amount of Rs. 3 lakhs from the defacto complainant for his personal expenses, for which the petitioner has issued irrelevant cheques and defrauded him. Hence the defacto complainant has lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that there is a financial dispute between the parties and the investigation is pending and there is no previous case pending against the petitioner.

5. This Court is of the view that there was a loan transaction between the petitioner and the defacto complainant. The petitioner has given irrelevant cheques to the defacto complainant towards his borrowed amount and further that instead of filing application before the appropriate Court, the petitioner is approaching this Court for anticipatory bail.

6. Considering the nature of case and further the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 Judicial Magistrate, Maduranthagam, 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. until further orders;

(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/-

21/06/2021

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,
MADURANTHAGAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.4454/2020

Date :21/06/2021

RVR 12/07/2021

WEB COPY