

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5776 of 2021

1 R.SENTHIL KUMAR
2 KARTHIKEYAN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE (CRIME), [RESPONDENT]
GUINDY POLICE STATION,
CHENNAI.
CRIME NO.921 OF 2020.

For Petitioner : M/S.M.AJMAL AZZATH Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. 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 alleged offences under Sections 409 & 420 of IPC, in Crime No.921 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had purchased Two cars and signed the documents to the petitioners. However, the petitioners along with other accused persons have created a forged document and cheated the defacto complainant for getting loan for the purchase of Three car. Hence, the complaint was registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the defacto complainant already applied loan for the purchase of three cars and the profit amount were given to the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the investigation is still pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervenor would submit that the defacto complainant had purchased two cars from the petitioners and the third cars was not hypothecated and the petitioners have created a forged document and cheated the defacto complainant. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

6. Considering the fact that there is no previous case pending against the petitioner, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 was made ready, before the IX Metropolitan Magistrate, Saidapet, Chennai, on condition that each of 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 appear 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 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
29/04/2021

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.IX,
SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME),
GUINDY POLICE STATION,
CHENNAI.

+1CC to M/S.M.AJMAL AZZATH Advocate on payment of necessary charges SR NO.5568

CRL OP.5776/2021

Date : 29/04/2021

MK:15/06/2021

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