

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6897 of 2021

ARUMUGAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

[RESPONDENT]

For Petitioner : M/S V.VIJAYAKUMAR Advocate

For Respondent : Additional Public Prosecutor

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 147, 342, 294(b), 397 and 506(ii) of IPC altered into 120(B), 341, 352, 395, 506(ii) IPC in Cr.No.605 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a loan from the first accused and the loan amount was not repaid. Therefore, the petitioner and other accused persons threatened the defacto complainant to transfer his property in the name of first accused. 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 he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A5 and the allegations against the petitioner are flimsy. Therefore, he has no objection in granting anticipatory bail to the petitioner.

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 Judicial Magistrate - I, Mettur, 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/-

09/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

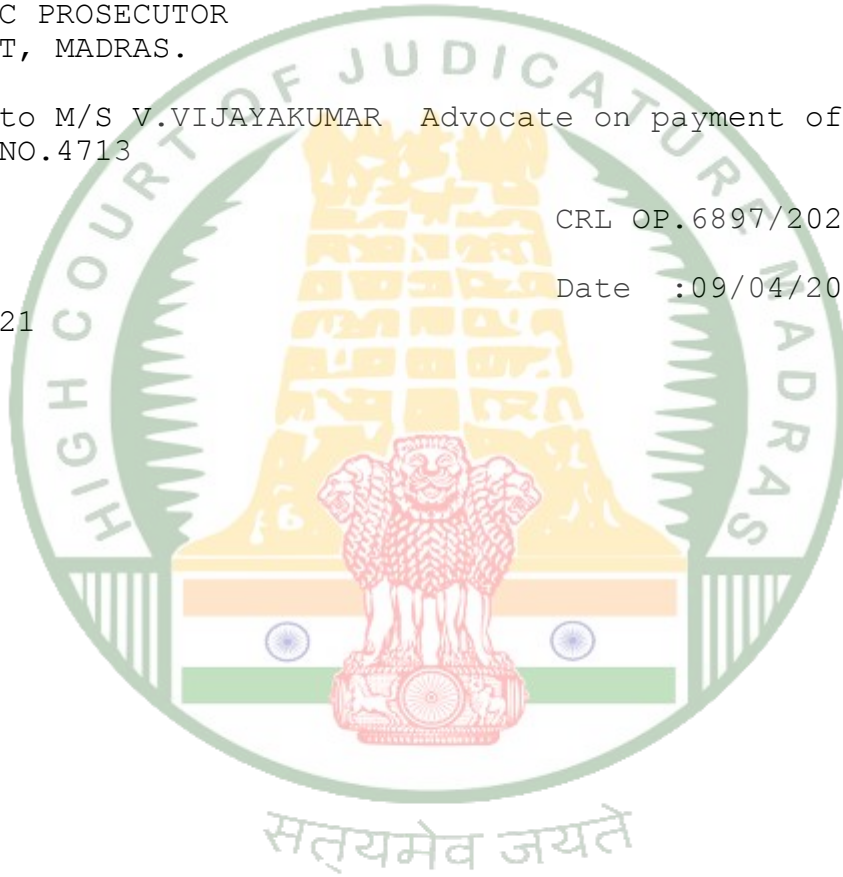
- 1.THE JUDICIAL MAGISTRATE NO. I,
METTUR.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT.(FOR INFORMATION)
- 3.THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.
- 4.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S V.VIJAYAKUMAR Advocate on payment of necessary
charges SR NO.4713

CRL OP.6897/2021

Date :09/04/2021

TK/21.04.2021



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