

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7497 of 2021

DAMODHARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR.NO.139/2021.

[RESPONDENT]

For Petitioner : M/S.D.LAKSHMIPATHY Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest for the alleged offence under Sections 341, 294(b) and 506(i) of IPC in Crime No.139 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein has approached the defacto complainant, who is a practising advocate for filing a money suit based on a promissory note issued in favour of his daughter. A suit was also filed and the same was decreed in favour of the petitioner's daughter and now execution petition is pending before the Court. The further case is that the petitioner without the knowledge of the defacto complainant had received Rs.87,000/- from one of his clients. Due to this money dispute, the petitioner herein waylaid the defacto complainant and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide any conditions as imposed by this Court and sought for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the defacto complainant is a practising advocate and he appeared in a case on behalf of defacto complainant's daughter. There is some money dispute between them, due to which the petitioner waylaid the defacto complainant and threatened him with dire consequences. He further submitted that no one is injured in this case.

5.Considering the facts and circumstances of the case and also that it is only a wordy altercation, 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 before the **learned Judicial Magistrate, Chengam**, within a period of 15 days from the date of receipt of a copy of this order, on executing 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 conditions that:

[a] 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 petitioner shall deposit a sum of Rs.2,500/- to the Tamilnadu State Legal Services Authority (Environment), Chennai, within a period of two weeks from today, by way of Demand Draft and the petitioner shall produce the receipt for the same before the said Court while executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
21/04/2021

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 JUDICIAL MAGISTRATE,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE TAMIL NADU STATE LEGAL SERVICES
AUTHORITY (ENVIRONMENT)
CHENANI.

CC to M/S.D.LAKSHMIPATHY Advocate on payment of necessary charges

CRL OP.7497/2021

Date :21/04/2021

TA-05/07/2021

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