



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

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

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PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7470 of 2021

G.BALAKRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSEPCTOR OF POLICE,
K3 POLICE STATION,
AMENJIKARAI, CHENNAI
CRIME NO.124 OF 2021

[RESPONDENT]

For Petitioner : M/S.R.SUBBURAJ 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 petitioner, who apprehends arrest for the alleged offences under Sections 420 and 406 of IPC in Crime No.124 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that A1 in this case is the son and the petitioner/A2 is the father of A1. According to the prosecution, A1 and A2 received Rs.25 Lakhs from the defacto complainant on a false promise to secure a job in Public Works Department.

4.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. The fact is that the petitioner borrowed a sum of Rs.35 Lakhs from the defacto complainant through a registered mortgage deed and the entire amount was settled in the month of March 2020. Thereafter, the petitioner requested the defacto complainant to come forward to cancel the mortgage deed, however, he was not ready to cancel the mortgage deed and threatening the defacto complainant to execute a sale deed in his favour. Therefore, a suit was filed by the petitioner in O.S.No.2840 of 2021, before the learned XIV Assistant Judge, City Civil Court, Chennai, and the same was pending. With an intention to grab the property of the petitioner, the defacto complainant has lodged the present false complaint. Hence, he prays for grant of anticipatory bail to the petitioner.



5.The learned Additional Public Prosecutor appearing for the State on instructions would submit that it is a case of job rocketing. The petitioner had received Rs.25 Lakhs from the defacto complainant on a false promise to secure a job in the Public Works Department and thereafter cheated him. He further submitted that notice has been served on the petitioner, but he failed to appear for enquiry. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6.Taking into consideration the facts and circumstances of the case and on perusal of records, it is seen that it is purely a civil dispute between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned V Metropolitan Magistrate, Egmore, Chennai, within a period of 15 days from the date of receipt of a copy of this order, on his executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, 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 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 report daily at 10.30 a.m., before the respondent police, until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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 petitioners 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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-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 METROPOLITAN MAGISTRATE NO.V,
EGMORE, CHENNAI.

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

3 THE XIV ASSISTANT JUDGE,
CITY CIVIL COURT,
CHENNAI,

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE INSEPCTOR OF POLICE,
K3 POLICE STATION,
AMENJIKARAI, CHENNAI

+1CC to M/S.R.SUBBURAJ Advocate on payment of necessary charges
SR NO.5172

CRL OP.7470/2021

Date :21/04/2021

MK:29/04/2021