

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7787 of 2021

1 V.CHANDRAMOHAN

[PETITIONERS / ACCUSED]

2 C.LAKSHMI

Vs

THE STATE REP.BY ITS

[RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, (CCB),
COIMBATORE CITY,
COIMBATORE.
CR.NO.20 OF 2021.

For Petitioner : M/S. K.MYILSAMY Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN,
Government 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 offence punishable under Sections 406 and 420 of IPC in Crime No.20 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are business partners dealing with building houses and then selling it. According to the defacto complainant, the petitioners refused to give his share of amount. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners are husband and wife and were working as college professors in PSG College at Coimbatore. The defacto complainant is a building mason and involved in construction business. The petitioners provided employment to the defacto complainant and helped him in several situations. The defacto complainant had borrowed money from the petitioners and there is lot of due to be repaid. Since the petitioners asked about the due amount, he made this false complaint. Hence, he sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that petitioners have insisted the defacto complainant to be their business partner and thereafter, they have cheated him without giving his share. He further submitted that no previous case is pending against the petitioners.

5.Taking into consideration the facts and circumstances of the case and also that it seems to be a civil dispute, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate No.VII, Coimbatore, on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall report 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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
26/04/2021

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,
NO.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, (CCB),
COIMBATORE CITY,
COIMBATORE.

+1 CC to M/S. K.MYILSAMY Advocate on payment of necessary charges
SR.No.5396

सत्यमेव जयते

CRL OP.7787/2021

Date :26/04/2021

cs 25/05/2021

WEB COPY