

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.7518 of 2021

K.THEPPESWARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KARUMATHAMPATTY POLICE STATION,
COIMBATORE
CRIME NO.104 OF 2021

For Petitioner : M/S.P.SENGOTTUVEL Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. Side)

For Intervenor : [*]**M/S.V.RAGHAVACHARI SENIOR COUNSEL FOR
KINGSLY SOLOMON.J Advocate**

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 148, 294(b), 324, 379, 420, 427 & 506(2) of IPC, in Crime No.104 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that A1 had received a sum of Rs.68,10,000/- from the defacto complainant. Thereafter, A1 had not execute the sale deed in favour of the defacto complainant. Further, the petitioner along with other accused persons had entered into the godown and threatened the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that co-accused had already been granted anticipatory bail by the Sessions Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that A1 had received a sum of Rs.68,10,000/- from the defacto complainant. Thereafter, A1 had not executed the sale deed in favour of the defacto complainant. Further, the petitioner along with other accused persons had entered into the godown and threatened the defacto complainant. He would further submit that the investigation is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor would submit that the petitioner along with other accused persons had threatened the defacto complainant and removed the articles worth about of Rs.10 Lakhs from godown. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6. Considering the fact that there is no previous case pending against the petitioner and dispute between the parties appears to be civil in nature, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy was made ready, before the learned Judicial Magistrate, Sulur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner 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 petitioner 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 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].

[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.

[*]Corrected Order to be substituted for the order already despatched on 03/06/2021

TO

1 THE JUDICIAL MAGISTRATE,
SULUR.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARUMATHAMPATTY POLICE STATION,
COIMBATORE.

CC to M/S.P.SENGOTTUVEL Advocate on payment of necessary charges

+1CC to M/S.KINGSLY SOLOMON.J Advocate on payment of necessary charges SR NO.5587

CRL OP.7518/2021

Date :29/04/2021

MK:18/05/2021

MK:02/07/2021

<https://hcservices.ecourts.gov.in/hcservices/>