

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.OP.No.9368 of 2021

Natarajan

... Petitioner

Vs.

State rep.by

The Inspector of Police

District Crime Branch

Thiruvarur District

(Crime No.4 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.4 of 2021 on the file of the respondent police.

For Petitioner : Mr.S. Arivazhagan

For Respondent : Mr.A. Damodaran
Government Advocate (Crl. side)

O R D E R

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 120(B), 506(1) of IPC in Crime No.4 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner/3rd accused along with accused 1 and 2 received amount from the defacto complainant and they have not performed their part of contract with reference to the agreement of sale entered into between them in respect of petrol Bunk. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that A1, A2 and the defacto complainant are close relatives and the petitioner is third party to them and there was a loan transaction between them, while so the dispute arose regarding the unregistered

sale agreement entered into between them in the year 2018 and further submits that the petitioner is innocent and he has not committed any offence along with the other accused as alleged and a false case has been foisted against them and he is ready to comply with the conditions that may be imposed by this Hon'ble Court and prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent would submit that petitioner/3rd accused along with accused 1 and 2 received amount from the defacto complainant and they have not performed their part of contract with reference to the agreement of sale in respect of petrol Bunk and vehemently opposed to grant Anticipatory Bail to the petitioner.

5. Considering the above fact and circumstances of the case and the fact that the alleged sale agreement is an unregistered one and the dispute between the parties is civil in nature and the occurrence said to be taken place in the year 2018 and the petitioner is still residing in Thiruvarur District and hence there is no possibility of absconding, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Judicial Magistrate, Thiruvarur, 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 condition 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 report before the respondent police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/05/2021

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVARUR DISTRICT.

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

WEB COPY

CRL OP.9368/2021

Date :27/05/2021

cs 07/07/2021