

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10354 of 2021

Dhandapani

...Petitioner

Versus

State Rep. by
The Inspector of Police,
Ambur Town Police Station,
Vellore.
(Cr.No.246 of 2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.246 of 2018 on the file of the respondent Police.

For Petitioner : Mr.J.Kishore

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 406 IPC in Cr.No.246 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are business friends and it is alleged that on 26.10.2017, the petitioner had approached the defacto complainant and get gold jewels worth about 540 grams from him and absconded and hence, he lodged a complaint before the respondent Police.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he is falsely implicated in this case and he would further submit that the defacto complainant with an ulterior motive to harass the petitioner, has lodged this complaint. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that is to be imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. This Court is of the view that though the complaint was dated 26.10.2017, the law enforcing agency has not taken any steps to secure the articles and produce the accused and hence on the sole ground, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 of receipt of a copy of this order, before the learned Principal Sessions Judge, Ambur, 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Cr.No.246 of 2018, before the respondent Police without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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]; and;

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

-sd/-
15/06/2021

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 PRINCIPAL SESSIONS JUDGE,
AMBUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
AMBUR TOWN POLICE STATION,
VELLORE.

+1 CC to M/S J.KISHORE Advocate on payment of necessary charges
SR.No.6520

WEB COPY

CRL OP.10354/2021

Date :15/06/2021

cs 23/06/2021