



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.11622 of 2021

1.S.Vaikuntham
2.V.Bharanidharan

...Petitioners

Versus

State represented by
The Inspector of Police,
Thiruvarur Police Station (District Crime Branch),
Thiruvarur District.
Crime No.4 of 2021

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of apprehending arrest in the Crime No.4 of 2021 pending before the respondent Police, viz., Inspector of Police, Thiruvarur Police Station (District Crime Branch), Thiruvarur District.

For Petitioners : Mr.B.Ramamoorthy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 120B and 506(1) IPC in Cr.No.4 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant were entered into a contract with regard to the lease of petrol bunk. As per the agreement, the petitioners herein along with A3 were received money from the defacto complainant and subsequently, 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 petitioners submits that the petitioners and the defacto complainant are close relatives and A3 is third party. The petitioners herein facilitated the Agreement between the defacto complainant and A3 and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that on an earlier occasion, this Court has already granted anticipatory bail to A3 in Crl.O.P.No.9368 of 2021, vide order dated 27.05.2021 and there are no previous cases pending against the petitioners.

5.Considering the fact that the co-accused has already been released on bail this Court is inclined to grant bail to the petitioner.

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, Thiruvarur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees One Lakh 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)if the petitioners 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 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;

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

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;



(f) 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;

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

-sd/-
07/07/2021

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 DISTRICT

3 THE INSPECTOR OF POLICE,
THIRUVARUR POLICE STATION,
(DISTRICT CRIME BRANCH),
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11622/2021

Date :07/07/2021

JPA 14/07/2021