

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.14250 of 2020

SURESH KUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
CCB POLICE STATION,
TIRUPPUR.
(CRIME NO. 12/2020)

[RESPONDENT]

For Petitioner : M/S. J.FRANKLIN Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

FOR Intervenor : M/S. K.V.MUTHU VISAKAN Advocate

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.12 of 2020 on the file of the respondent police for the alleged offence u/s 406 and 420 of IPC, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioner is the sole accused. The allegation is the petitioner failed to pay a part of amount towards supply of yarn materials.

4. Earlier when the matter came up for hearing on 22.01.2021, this
<https://hservices.hardis.gov.in/hservices/> the petitioner to pay a sum of Rs.1,00,000/- to the

de facto complainant. When the matter came up for hearing on 24.02.2021, it was submitted that as the petitioner was seriously ill and admitted in the hospital, he was not able to mobilize the money and pay to the de facto complainant as directed by this court, however, he had managed to pay a part sum of Rs.50,000/- to the de facto complainant. In the above circumstances, the petitioner had sought for further time to pay the remaining amount as directed by this court. Accordingly, the matter was adjourned.

5. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that today the remaining amount of Rs.50,000/- has been paid to the de facto complainant in cash. However, the learned counsel for the intervenor sought time to verify the fact and report to this court.

6. Considering the submission made by the learned counsel for the petitioner and the other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) 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 Judicial Magistrate-I, Tirupur, on executing 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:

[b] 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.

[c] the petitioner shall report before the respondent police as and when required by the police for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate himself /Trial Court as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
18/03/2021

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-I,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB POLICE STATION,
TIRUPPUR

+1 CC to M/S. J.FRANKLIN Advocate on payment of necessary charges
SR NO. 3665

+1 CC to M/S. K.V.MUTHU VISAKAN Advocate on payment of necessary
charges SR NO. 3658

WEB COPY

CRL OP.14250/2020

Date :18/03/2021

MN-29/03/2021