



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.12874 of 2021

Ganesan

...Petitioner

Versus

State Rep. by
The Sub Inspector of Police,
District Crime Branch,
Thiruvallur District.
(Cr.No.Not known of 2021)

...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.Not known of 2021 on the file of the respondent Police.

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

For Intervenor : Mr.M.Rajasekar

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 IPC in Cr.No.Not known of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is doing brinklin work and it is alleged that in order to improve his business, he borrowed a sum of Rs.9,00,000/- from the defacto complainant. Later, the petitioner has failed to settle his entire dues. Hence this complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Though he repaid a sum of Rs.5,00,000/- by issuing cheque, this complaint has been wrongly foisted against the petitioner as if he borrowed a sum of Rs.9,00,000/-. However, on instructions, the learned counsel submitted that the petitioner, on his own volition, is ready and willing to pay the sum of Rs.4,00,000/- to the defacto complainant, without prejudice to his rights.



4.The learned Government Advocate (Crl.Side) has no serious objection to grant anticipatory bail to the petitioner.

5.Considering the nature of the case and based on the undertaking given by the petitioner to deposit the amount in favour of the defacto complainant, I am inclined to grant anticipatory bail to the petitioner.

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 receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvallur, 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 payment of Rs.4,00,000/- (Rupees four Lakhs only) to the credit of the defacto complainant in the presence of the respondent Police within a period of four weeks, without prejudice to his defence before the trial Court and if the petitioner succeeds in the case, the said amount would be refunded back to him. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed 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/-

26/07/2021

WEB COPY

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,
THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12874/2021

Date :26/07/2021

APN 03/08/2021