

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.16393 of 2020

VASU

[PETITIONER/ACCUSED-1]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
K-10 KOYAMBEDU POLICE STATION,
CHENNAI DISTRICT.
CRIME NO.937/2020.

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S K.THENRAJAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(ii) of IPC, in Crime No.937 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had sell the property and entered into a sale agreement and received a sum of Rs.30,00,000/- from the defacto complainant in various dates. Thereafter, the petitioner had not executed the sale agreement and not repaid the amount. Further, the petitioner had cheated and threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that previously the petitioner is a money lenders and he has received a sum of Rs.10,00,000/- from the defacto complainant. Failure on the part of the petitioner to repay the said amount the defacto complainant had obtained a sale agreement forcibly and obtained signatures in blank cheques. Thereafter, the petitioner had repaid the loan amount in part. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had received a sum of Rs.30,00,000/- from the defacto complainant and cheated him. He would further submit that the investigation is also pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Mr.M.Manimaran, the learned counsel for the intervenor would submit that the petitioner had cheated the defacto complainant and threatened to kill him. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, and that it is a purely money dispute between the parties, now it is also stated that the petitioner had repaid loan amount in part, and a criminal colour has been given to a civil dispute, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before the V Metropolitan Magistrate Court, Egmore, Chennai, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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.

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

-sd/-
02/03/2021

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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHEIF METRTOPOITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
K-10 KOYAMBEDU POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S K.THENRAJAN Advocate on payment of necessary charges
SR.NO.2689.

CRL OP.16393/2020

Date :02/03/2021

EP-11/03/2021

WEB COPY