



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14894 of 2021

K.RADHAKRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR.
CR.NO.18 OF 2021.

[RESPONDENT]

For Petitioner : M/S. R.RADHA PANDIAN Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

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 offence under Sections 420 of IPC in Cr.No.18 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was doing quarry business at Vellore District. While so, the accused was not in a position to run his quarry, the defacto complainant gave a sum of Rs.63 Lakhs to the petitioner for his business needs. When the defacto complainant was asked the petitioner to return the amount, the petitioner refused to pay the same. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The petitioner borrowed the month during the year 2004 and he was not able to pay the money to the defacto complainant, for which, he handed over the quarry to the petitioner. Further the learned counsel submitted that the quarry is running successful and



after seven years, the defacto lodged a false complaint. However, he is ready to pay a sum of Rs.5,00,000/- in favour of the defacto complainant and prays for grant of anticipatory bail.

4. The learned Government Advocate submitted that investigation is still pending. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submission made on either side, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Thiruvallur, within a period of four weeks from the date of receipt of a copy of this order and on further condition that:

(a) the petitioner shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) by way of cash/ demand draft to the credit of Crime Number, before the learned Judicial Magistrate-I, Thiruvallur without prejudice to his defence before the trial Court within a period of two weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Judicial Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court.

(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, daily at 10.30 a.m. until further orders;

(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/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.

WEB COPY

-sd/-

01/09/2021

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 NO.I,
THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.RADHA PANDIAN Advocate on payment of necessary charges SR.No.9373

CRL OP.14894/2021

Date :01/09/2021

APN 13/09/2021