

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17149 of 2021

BAKYARAJ @ BHAGYARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
O/O.SUPERINTENDENT OF POLICE,
KRISHNAGIRI DISTRICT,
CRIME NO.11 OF 2019.

[RESPONDENT]

For Petitioner : M/S. V.THILLAI KUMAR 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 for the alleged offence punishable under Sections 465, 468, 471, 420 and 506(i) of IPC in Crime No.11 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are partners of Jalagandeshwarar Fuels, Petrol Bunk under Barath Petroleum Corporation Ltd. At Kaveripattinam, Krishnagiri District. They had entered into an partnership agreement on 09.04.2012 . Subsequently, the defacto complainant had decided to withdraw from the Partnership and decided to given up her share for Rs.77,00,000/- to the petitioner and the petitioner had also agreed for the same and paid Rs.7,00,000/- to her and promised to settle the balance amount after cancellation of the Partnership Agreement. Thereafter, the petitioner along with his family members refused to pay the balance amount of Rs.70,00,000/- and cheated the defacto complainant and further threatened her with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that investigation is pending. He further submits that this is the petitioner's third anticipatory bail petition and in an earlier occasions the petitioner has filed two petitions before this Court in Crl.OP.Nos.12995 of 2019 and 10914 of 2020 and this Court vide order dated 17.06.2019 in Crl.OP.No.12995 of 2019 dismissed the petition with liberty to file a fresh petition and this Court vide order dated 04.09.2020 in Crl.OP.No.10914 of 2020 closed the petition on the ground that this Court has already granted interim stay of further proceedings in Crime No.11 of 2019 on the file of the respondent and therefore, there is no apprehension of arrest as on date. He further submits that the petitioner had given 10 cheques of his mother Mrs.Premavathy/3rd accused for security purpose, the same were dishonoured, for which, the defacto complainant had also filed a case under Section 138 of Negotiable Instruments Act before the learned Fast Track Judge, Krishnagiri in STC.No.1899 of 2019 and the same was also pending.

5.Considering the facts and circumstances of the case and also considering the submissions made by both counsel, this court is 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Krishnagiri District 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) the petitioner and 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;

(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 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;

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

-sd/-

20/09/2021

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, KRISHNAGIRI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
O/O.SUPERINTENDENT OF POLICE,
KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. V.THILLAI KUMAR Advocate on payment of necessary charges

CRL OP.17149/2021

Date :20/09/2021

APN 01/10/2021