



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Thirty First day of August Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.15629 of 2021

M.PERIYASAMY

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
K11 CMBT POLICE STATION,
CHENNAI.
CR.NO.405 OF 2021.

[RESPONDENT]

For Petitioner : M/S. D.GOPIKRISHNAN Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (CrI. 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 Section 364(A) r/w 34 of IPC in Crime No.405 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband borrowed hand loan from the petitioner frequently on various occasions and in this connection, the defacto complainant has decided to avail further hand loan again from the petitioner and thereby departed from Dharmapuri to Chennai to meet the petitioner. On the next day, the victim himself made a phone call from his number to his mother-in-law stating that unless otherwise the petitioner settles for Rs.25,00,000/- towards pending hand loans, the victim would not be released from the petitioner's confinement and furthermore when his mother-in-law contacted the victim to the same number, the petitioner and another person threatened her to pay Rs15,00,000/- towards for the release of her husband. 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. He



further submits that there was a commercial dispute between the petitioner and the defacto complainant which is converted into criminal case. Therefore, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) submits that the defacto complainant's husband/victim has been secured.

5.Considering the facts and circumstances of case and 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned V Metropolitan Magistrate, Egmore 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 daily at 10.30 a.m for a period of two weeks and thereafter 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.

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-sd/-
31/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K11 CMBT POLICE STATION,
CHENNAI.

+1 CC to M/S. D.GOPIKRISHNAN Advocate on payment of necessary charges SR.NO.9369

CRL OP.15629/2021

Date :31/08/2021

INBA 13/09/2021