



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18321 of 2021

1 CHINNAPPARAJ

[PETITIONERS / ACCUSED]

2 RAMANI

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUPUR DISTRICT.
(CR.NO. 172 OF 2021)

[RESPONDENT]

For Petitioner : M/S. R.PRABAKAR Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 506(i) of I.P.C. in Cr.No.172 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Builder and entered into agreement with the petitioners for construction of a house. Accordingly, the defacto complainant had completed the construction to the tune of Rs.8,70,000/-, however, the cheques given by the petitioners for the said work when presented to the Bank, were dishonoured. Hence, the defacto complainant lodged the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel further submitted that if the cheques given by the petitioners were dishonoured the defacto complainant has to file complaint under Section 138 of the Negotiable Instruments Act, however, the defacto complainant has filed the present complaint which is un-sustainable one.

4.The learned Government Advocate submitted that investigation is still pending.



5.The cheques given by the petitioners are alleged to have been dishonoured, for which, the defacto complainant ought to have filed a complaint under Section 138 of the Negotiable Instruments Act before the competent forum, however, instead of doing so, the defacto complainant has filed the present complaint. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court - IV, Tiruppur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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/-

01/10/2021

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

TRUE COPY



1 THE JUDICIAL MAGISTRATE-IV,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.PRABAKAR Advocate on payment of necessary
charges SR.NO.10864

CRL OP.18321/2021

Date :01/10/2021

CSK 06/10/2021