



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.18758 of 2021

and

CrI.MP.No.11162 of 2021

R.Velu

.. Petitioner

Vs.

State of Tamil Nadu  
Rep.by the Inspector of Police,  
Vadalur Police Station,  
Cuddalore District.  
(Crime No.502 of 2021)

...Respondent

Ms.Sivagami

....Intervenor

**Prayer:** Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.502 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Manuraj

For Respondent : Mr.N.S.Suganthan  
Government Advocate (CrI.Side)

For Intervenor : Mr.R.C.Paul Kanagaraj

### ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 506(i) IPC, 1860 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 1998 and Section 67 A of the Information Technology Act 2000 in Crime No. 502 of 2021, on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the petitioner/accused scolded the defacto complainant by uttering derogatory words over phone .Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that petitioner was falsely implicated in this case. He further submits that initially, there was a business transaction between the petitioner and defacto complainant's husband , after the death of the defacto complainant's husband, the said transactions continued between the petitioner and the defacto complainant. The petitioner borrowed a sum of Rs.7,00,000/- from the defacto complainant on periodic basis, for the sake of good faith, petitioner drawn the cheque for Rs. 20,00,000/- and four promissory notes to the defacto complainant. He further submits that the petitioner made payments without any default. Due to some misunderstanding between them , the petitioner had settled the entire amount and stopped to continue the business transaction. Though the petitioner has settled the entire amount, the defacto complainant issued notice to the petitioner and demanded to repay the amount and thereafter, the defacto complainant initiated the proceedings under Section 138 of Negotiable Instruments Act. He further submits that the defacto complainant filed the false complaint against the petitioner. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl side) raised an objection stating that the petitioner disturbed the defacto complainant through phone messages and WhatsApp messages and created a bad impression about the defacto complaint among their relatives. Hence, he vehemently opposed the grant of bail to the petitioner.

5.The learned counsel for the intervenor Submits that the petitioner borrowed a sum of Rs.37,00,000/- from the defacto complainant on interest basis, the petitioner paid the interest for a period of six months only, thereafter , he defaulted. If she insisted for repayment, in order to skip the repayment, petitioner made obscene comments against the defacto complainant in Social Media, for which, the defacto complainant lodged the complaint before the respondent police, even after the complaint, the petitioner troubled her over phone message and WhatsApp message. Hence, he vehemently opposed the grant of anticipatory bail.

6.Heard learned counsel for the petitioner, learned Government Advocate (Crl.Side) and the learned counsel for the intervenor.

7.Considering the submissions made by the counsel, with regard money transaction there is dispute and investigation is almost completed and 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 District-Munsif- Cum-Judicial magistrate, Kurinjipadi, Cuddalore, 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 on every Saturday at 10.30 a.m., until further orders.

(c ) the petitioner shall not contact the defacto complaint through any mode and he is also directed not to disturb the defacto complainant through message or Whats App or any other mode, if any such occurrence takes place, it should be brought to the knowledge of this Court, and this Court will pass an order accordingly;

(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 has been imposed and the petitioner is 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.



Consequently, connected miscellaneous petition is closed.

-sd/-

22/11/2021

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 DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE,  
KURINJIPADI, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
VADALUR POLICE STATION,  
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.S.MANURAJ Advocate on payment of necessary charges  
SR.NO.13234

CRL OP.18758/2021

&

CRL MP.11162/2021

Date :22/11/2021

RW 02/12/2021