

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

Wednesday, the Seventeenth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.20324 of 2020

PALANIMALAI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
ARIYALUR, ARIYALUR DISTRICT.
CR.NO.10 OF 2020.

For Petitioner : M/S. R.SASIKUMAR Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

For Intervenor : M/S ARUL MANIKAM Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 409 and 506(i) of I.P.C, in Crime No.10 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a wholesale dealer for cashew nuts and the petitioner said to have purchased cashew nuts worth about Rs.20,73,630/- and he has paid only Rs.2,00,000/- and the balance amount was not paid. It is further alleged that the petitioner had purchased cashew nuts from some other persons also and cheated them. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners purchased cashew nuts and also paid major part of the amount and only a meager amount is pending. He would further submit that this is a civil dispute and the the defacto complainant is trying to give criminal color and the petitioner has been falsely implicated in this case. He would further submit that without prejudice to his defence and contentions he is ready to abide by any stringent conditions to be imposed by this Court. Hence, he prays for anticipatory bail to the petitioner.

4. The learned additional public prosecutor would submit that the petitioner had purchased cashew nuts from the defacto complainant and failed to pay the amount and thereby cheated him. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration, the facts and circumstances of the case and admittedly there was a money dispute between the parties and the petitioner has paid a part of the amount and he is ready to ready and willing to deposit Rs.2,00,000/- to the credit of Crime No., this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6. Accordingly, the petitioner is ordered to deposit a sum of Rs.2,00,000/- to the credit of Crime No.10 of 2020 on the file of Judicial Magistrate No.II, Jayamkondam, and on such payment being made, they shall be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Jayamkondam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 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 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].

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

17/03/2021

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.II, JAYAMKONDAM

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
ARIYALUR, ARIYALUR DISTRICT.

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges
SR.NO.3524

CRL OP.20324/2020

Date :17/03/2021

rvr 30/03/2021

WEB COPY