



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21473 of 2021

KARUNAKARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ANAKKAVOOR POLICE STATION,
TIRUVANNAMALAI DISTRICT
(CRIME NO.424/2021)

[RESPONDENT]

For Petitioner : M/S A. SARANRAJ Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government Advocate,
(Crl.Side)

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

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 506 (i) and 420 of IPC in Crime No.424 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had sold 60 goats for a sum of Rs.2,50,000/- to the petitioner. Further, the petitioner had paid a sum of Rs.3,000/- to the defacto complainant and he had promised to repay the balance amount of Rs.2,47,000/- with a period of 15 days. But as on till date the petitioner had not repaid the balance amount and the same was questioned by the defacto complainant, the petitioner had abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an employee in the Railway Department and doing business and sold the goats. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and that a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that the defacto complainant had sent a legal notice to the petitioner dated 23.09.2021 and the petitioner also sent reply notice to the defacto complainant. He further submitted that there was a money dispute between them and there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that there was a money dispute between them and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate, Cheyyar, 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 appear before the respondent police on every Wednesday at 10.30 a.m., until further orders.

(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 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]; and;

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

-sd/-

16/11/2021

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 JUDICIAL MAGISTRATE,
CHEYYAR.

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

3 THE INSPECTOR OF POLICE,
ANAKKAVOOR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S A. SARANRAJ Advocate on payment of necessary charges
SR.NO.12845

CRL OP.21473/2021

Date :16/11/2021

RW 18/11/2021