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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21687 of 2021

Mohan

... Petitioner

Versus

The Sub Inspector of Police,  
Chidambaram Town Police Station,  
Chidambaram, Cuddalore District.  
(Crime No.947 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to release the petitioner on bail in the event of arrest of petitioner in Crime No.947 of 2021 on the file of Sub Inspector of Police, Chidambaram Town Police Station, Chidambaram Cuddalore District.

For Petitioner : Mr.K.Selvarangan

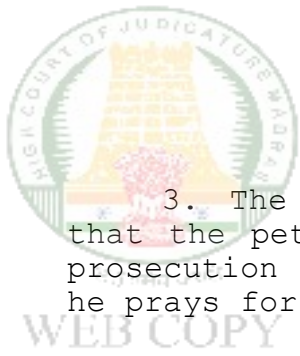
For Respondent : Mr.N.S.Suganthan  
Government Advocate (Crl. Side)

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O R D E R

The petitioner, who apprehends arrest for the alleged offence under Section 420 of IPC, in Crime No.947 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.05.2021 the defacto complainant V.Jaisankar is Public Relation Officer Kumutham Publication Private Ltd., Chennai and he gave a report that petitioner is dealer for Kumatham magazine to supply their publication like, Kumatham, Kumutham Reporters etc., and he used to pay the amount to Kumutham publication after selling the articles. They stopped supply of the above magazines from May 2021 since the petitioner did not pay the amount and there is total due of Rs.3,80,484/-. Hence the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that past one year the petitioner not paid the subscription charge. It is near Rs.3,00,000/- and investigation is still pending. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact, there was a dispute between the parties with regard to money transaction, 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 No.2, Chidambaram, 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 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.

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-sd/-

19/11/2021

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,  
NO.2, CHIDAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,  
CHIDAMBARAM TOWN POLICE STATION,  
CHIDAMBARAM,  
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.K.SELVARANGAN Advocate on payment of necessary charges SR.No.13156

CRL OP.21687/2021

Date :19/11/2021

APN 24/11/2021