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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23151 of 2021

1. Arul @ Arul Kumar
2. Singaravel
3. Mathivannan
4. Manikannan
5. Kuzhandavel ... Petitioners

Versus

State Rep by
The Inspector of Police
Virudhachalam Police Station,
Cuddalore District.
(Crime No.1277 of 2021) ... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of apprehending arrest in Crime No.1277 of 2021 on the file of the respondent police.

For Petitioners : M/S.M.Selvam

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 147, 294(b), 354, 506(1) and 420 of IPC in Crime No.1277 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.11.2021 the defacto complaint namely one Manimegalai gave a complaint to the respondent police stating that the defacto complainant purchases plat from the petitioners. Thereafter, they both made an agreement and after verification, the plat was not approved by the Government. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.1,20,000/- to the credit of the crime number and

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also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.1,20,000/- will be returned to them.

4. The learned Additional Public Prosecutor submits that the defacto complainant purchased plat from the petitioners and thereafter made an agreement which was not approved by the Government. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the submissions on either side and also considering the facts and circumstances of the case and that the undertaking of the petitioners that they are ready to deposit an amount of Rs.1,20,000/- to the credit of the crime number, 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 No.I, Virudhachlam*, on condition that the petitioners shall execute separate 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 petitioners shall deposit a sum of Rs.1,20,000/- (Rupees One Lakh Twenty Thousand Only) to the credit of Cr.No.1277 of 2021 before the *Judicial Magistrate No.I, Virudhachlam* within a period of three weeks from the date of receipt of a copy of this order. On such deposit being made, the learned *Judicial Magistrate No.I, Virudhachlam* shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.1,20,000/- deposited by the petitioners to the credit of Cr.No.1277 of 2021 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, the trial court shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)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;

(c)the petitioners shall report before the respondent police on every Saturday at 10.30 a.m. until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

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(e)the petitioners 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 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;

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

-sd/-
01/12/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. M.SELVAM Advocate on payment of necessary charges
SR.NO.13859

CRL OP.23151/2021

Date :01/12/2021

CSK 07/12/2021

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