



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23389 of 2021

1.P.S.Murugesan

2.Jothi

... Petitioner

Versus

State Rep by
Inspector of Police,
DCB, Erode
(Crime No.8 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.8 of 2021 pending investigation on the file of the respondent police.

For petitioner : Mr.H.Manivannan

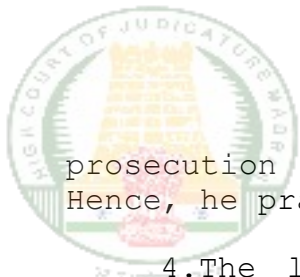
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under sections 120B, 294(b), 406, 420 and 506(1) IPC, in Crime No.8 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are A1 and A2. It is alleged that on 14.07.2019, the petitioners and the defacto complainant had entered into an agreement for sale of the factory of the petitioners for a sum of Rs.10 crores and further the petitioners received a sum of Rs.1 crore as advance and handed over the possession of the properties to the defacto complainant. Thereafter, the said property has been sold by the band under SARFAESI for the non-payment of the loan obtained by the petitioners. It is further alleged that the petitioners had abused and threatened the defacto complainant. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3. The learned counsel for the petitioner submits that the petitioners did not committed any such offence as alleged by the



prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the alleged occurrence took place in the year 2019. He further submits that the investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering that the dispute is civil in nature, 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 his appearance before the learned Judicial Magistrate No.2, Erode 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, 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 first petitioner is directed to report before the respondent police on every Wednesday at 10.30.a.m., and the second petitioner is directed to report before the respondent police as and when required;

[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 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].



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

-sd/-

06/12/2021

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, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE(FOR INFORMATION)

3 SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. H.MANIVANNAN Advocate on payment of necessary charges

CRL OP.23389/2021

Date :06/12/2021

RVR 10/12/2021