



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23909 of 2021

R.Anilkumar

... Petitioner

Versus

State of Tamil Nadu represented by
The Inspector of Police,
S6, Sankar Nagar Police Station,
Chennai - 600 075.

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No. not known of 2021 on the file of the Inspector of Police, S6, Sankar Nagar Police Station, under Chennai City.

For Petitioner : Mr.D.Manimaran

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 294 (b), 323, 306 of IPC in Crime No. not known of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a Diploma holder in mechanical Engineering and finished ITI Course in Electronics and Communication Engineering. He is a married person having two minor girl children. While being so one Mr.Anandan was serving as a Kancheepuram District Secretary in the Indhu Makkal Katchi. The said Anandan was working in a Garments company viz., Vijay Garments situated in MEPZ, Tambaram Chennai. After became friendship with the petitioner, he wanted to grab money from the petitioner as he has smelled about his status and wealth. Thereafter he has resigned his job from the company and informed the petitioner that he was about to start a Garments company of his own and seek the help of the petitioner. The petitioner also promised to help him.



In such circumstances, Mr. Anandan started quantum of money. In the petitioner's account the amount has been deducted automatically for the loan. Immediately the petitioner contacted Mr. Anandan over phone. Since his phone was continuously switch off the petitioner had rushed to Anandan's house with his friends. On 28.11.2021 Mr. Anandan came out and shouted at the friends of the petitioner in a filthy language and told that he has not borrow a single paise from the petitioner and he had no relationship with the petitioner herein. Hence the petitioner was totally upset and being aggrieved by the activities of the said Mr. Anandan the petitioner apprehends arrest on the hands of the respondent police herein. 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 there is a money dispute, the petitioner along with other persons caused trouble to the defacto complainant, no damages was mentioned. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 before the learned Judicial Magistrate No.II, Tambaram, 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 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 petitioner shall report before the respondent police daily 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/-

09/12/2021

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, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
S6, SANKAR NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to D.MANIMARAN Advocate on payment of necessary charges
SR.NO.14406

CRL OP.23909/2021

Date :09/12/2021

RW 13/12/2021