



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23840 of 2021

Chelladurai

... Petitioner

Vs.

State rep by
The Inspector of Police
District Crime Branch Police Station
Thiruvallur District
(Crime No.61 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest in Crime No.61 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.61 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had borrowed a sum of Rs.5 lakhs as hand loan in the year 2014 and thereafter, failed to repay the same. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is working as a Government School Teacher and he had borrowed the said amount for medical expenses and that the petitioner has already repaid a sum of Rs.3,50,000/- with interest and there was some delay in repaying the balance amount. Hence, a false case has been foisted against the petitioner and that the petitioner is ready to abide any condition as may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that it is the case of money dispute.

5. Considering the above 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-I, Thiruvallur, 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 conditions that:

[a] the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.61 of 2021 before the learned Judicial Magistrate-I, Thiruvallur, within a period of three weeks from the date of receipt of copy of this order and shall produce the receipt before the Court below at the time of executing sureties.

[b] the petitioner 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.

[c] the petitioner shall report before the respondent police on every Sunday at 10.30 a.m. until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 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].



[g] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

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-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.I, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION
THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to R.SASIKUMAR Advocate on payment of necessary charges
SR.NO.14433

CRL OP.23840/2021

Date :09/12/2021

JPA 17/12/2021