



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24771 of 2021

S.Dinesh Kumar

...Petitioner

Versus

State Rep by
Inspector of Police,
E-2, Royapettah Police Station,
Mylapore, Chennai.
(Crime No.537 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.537 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Ganesh Kumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 420,294(b) & 506(I) IPC, in Crime No.537 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a Financier in S.R.Finance. It is alleged that the defacto complainant had availed loan facility from the petitioner and purchased a car for a sum of Rs.1,50,000/- payable in 22 EMI's of Rs.8,700/- each. It is further alleged that the defacto complainant was regular in his payments and further only Rs.24,000/- was due, but the petitioner demanded a sum of Rs.1,78,000/- from the defacto complainant towards full and final settlement thereafter the petitioner threatened the defacto complainant with dire consequences and abused the defacto complainant's family, for which the wedding of the defacto complainant's daughter was cancelled and further the defacto complainant's wife died due to mental agony. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.



3.The learned Counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, they pray for grant of anticipatory bail to the petitioner.

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4.The learned Additional Public Prosecutor submits that investigation has been completed and there is no previous case pending against the petitioner. However, he opposed for grant of 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 a condition that the petitioner should stay at Pudukottai District.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the XVIII Metropolitan Magistrate, Chennai on condition that the petitioner shall execute a bond for 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 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 report before the Pudukottai Police Station on every Tuesday and Sunday at 10.30.a.m.

(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/-

17/12/2021

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 XVIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
E-2, ROYAPETTAH POLICE STATION,
MYLAPORE, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
PUDUKOTTAI POLICE STATION,
PUDUKOTTAI.

CC to M/S.R.GANESH KUMAR Advocate on payment of necessary
charges Sr.15110

CRL OP.24771/2021

Date :17/12/2021

RVR 29/12/2021