



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24913 of 2021

1.A.M.HabiburRahman

2.K.Anwar

3.K.Prasanth

... Petitioners

Versus

The State represented by
The Inspector of Police,
E-2, Peelamedu Police Station,
Peelamedu, Coimbatore District.
(Crime No.763 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant anticipatory bail to the petitioners in the event of their arrest or on their appearance before any court in Connection with the case in Crime No.763 of 2021 pending investigation on the file of the respondent police.

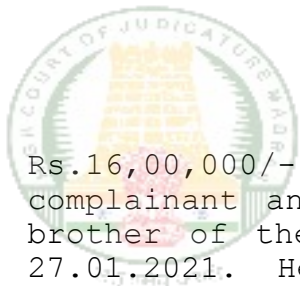
For Petitioners : Mr.V.Anandhamurthy

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 447, 379 of IPC, in Crime No.763 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant went to Theni along with his family on 01.09.2021. The accused persons came to the service station of the defacto complainant and picked up quarrel with the manager and abused him by using filthy languages and also took two cars which were kept for service. It is submitted that there is a dispute regarding repayment of the debt of



Rs.16,00,000/- to the brother of the 1st petitioner. The defacto complainant and his wife borrowed a sum of Rs.16,00,000/- from the brother of the 1st petitioner and executed a bond for the same on 27.01.2021. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have 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 with regard to money transaction there was alleged occurrence happened and investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court No.2, Coimbatore, on condition that the petitioners 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 petitioners shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders;

(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]; and;

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

-sd/-
20/12/2021

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.2, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
E-2, PEELAMEDU POLICE STATION,
COIMBATORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S V.ANANDHAMURTHY Advocate on payment of necessary charges SR.NO. 15185

CRL OP.24913/2021

Date :20/12/2021

JPA 27/12/2021