



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.24939 of 2021

R.Jayaprakash

... Petitioner

Versus

The State through
The Inspector of Police,
J8, Neelangarai Police Station,
Chennai.
(Crime No.823 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.823 of 2021 pending on the file of the respondent / complainant.

For Petitioner : Mr.V.M.Venkataramana

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, 448, 294(b), 323, 364A, 368 of IPC, in Crime No.823 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had borrowed a sum of Rs.10,00,000/- for interest. The defacto complainant had paid Rs.3,50,000/- towards interest itself. The defacto complainant could not pay interest due to Covid 19 pandemic from March 2021. The defacto complainant was abducted by the petitioner and some other persons and threatened the defacto complainant's staff one Anjali and the said Anjali transferred Rs.10,00,000/- through RTGS to petitioner's account. The defacto complainant's wife herself has filed complaint against the defacto complainant as if he had forged his own wife's signature and manipulated documents and committed financial fraud. The defacto complainant was also absconding and his whereabouts were not known. The petitioner advanced the sum of Rs.10,00,000/- to the defacto complainant with a promise of repayment with 5% share in the profit of the defacto complainant's petrol bunk business. The defacto



complainant closed his petrol bunk business was absconding in view of the FIR filed against him. The defacto complainant and the said Anjali transferred the amount of Rs.10,00,000/- to petitioner's business account, after the payment is made, the defacto complainant has come out with the false case of abduction. The allegation of abduction and assaulting the defacto complainant is denied. 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. He further submitted that the petitioner is a practising advocate, based upon the complaint given by the defacto complainant is totally false, the petitioner is ready for co-operation. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner along with others demand unlawfully Rs.10,00,000/- from the defacto complainant and also attempted to forcibly take him aware, there was a money transaction between himself and the defacto complainant's wife and investigation almost completed. 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 - II, Alandur, 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 on every Saturday 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/-

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.II, ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
J8, NEELANGARAI POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. V.M.VENKATARAMANA Advocate on payment of necessary charges Sr.15173

CRL OP.24939/2021

Date :20/12/2021

RVR 23/12/2021