



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25206 of 2021

G.Loganathan

... Petitioner

Versus

State Rep by
The Inspector of Police,
Fairlands Police Station,
Salem.
(Crime No.590 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.590 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/S.K.P.Anantha Krishna

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervener : Mr.M.Guru Prasad

Order

The petitioner, who apprehends arrest for the alleged offences under Section 420 and 506(1) IPC in Cr.No.590 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a doctor by profession and in charge of running GL Hospital at Salem and he is the managing director of the hospital. The defacto complainant is working as a pharmacist in the said hospital. It is alleged that the petitioner has borrowed an amount of Rs.4,99,600/- from the defacto complainant and he was not paid with salary from 01.12.2018 till 08.12.2020 that is to the tune of Rs.3,03,860/-. When the same was questioned by the defacto complainant, the petitioner refused to return back the said amount and threatened with dire consequences. Hence, the defacto complainant lodged a complaint against the petitioner.



3.The learned counsel appearing for the petitioner submits that he has no way connected with the alleged occurrence and due to some misunderstanding between the petitioner and the defacto complainant, he has been falsely implicated in this case. He further submits that due to some litigations, he has been facing the trial. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.4,00,000/- to the credit of the crime number and also conceded to be disbursed to the defacto complainant as per the Court order. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

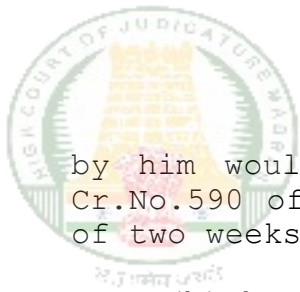
4.The learned Additional Public Prosecutor submits that the petitioner has borrowed an amount of Rs.4,99,600/- from the defacto complainant and also he was not paid with salary from 01.12.2018 till 08.12.2020 that is to the tune of Rs.3,03,860/- and in total about Rs.8,03,460/- has to be returned back to the defacto complainant and when that was questioned by him, the petitioner threatened with dire consequences. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Heard the submissions made by the learned counsel for the Intervener.

6. Considering the facts and circumstances of the case and there is some money dispute between the parties and that the petitioner, on his own volition, is ready to deposit an amount of Rs.4,00,000/- to the credit of the Crime number and since, the petitioner is a doctor by profession, there is no chance of absconding. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-V, Salem 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakh Only) to the credit of Cr.No.590 of 2021 before the learned Judicial Magistrate-V, Salem within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the learned learned Judicial Magistrate-V, Salem shall disburse a sum of Rs.4,00,000/- to the defacto complainant obtaining an affidavit of undertaking from the defacto complainant that in the event of the petitioner succeeding the case, the amount of Rs.4,00,000/- received



by him would be returned back to the petitioner to the credit of Cr.No.590 of 2021 will be returned to the petitioner within a period of two weeks from the date of deposit.

(b) 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;

(c) the petitioner is directed to appear before the respondent police every Wednesday at 10.30 a.m until further orders and the petitioner should co-operate in the investigation;

(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 anticipatory 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;

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

-sd/-

22/12/2021

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.V, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)



3 INSPECTOR OF POLICE,
FAIRLANDS POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.P.ANANTHA KRISHNA Advocate on payment of necessary
charges Sr.15538

CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges
Sr.15433

CRL OP.25206/2021

Date :22/12/2021

RVR 03/01/2022