

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.33320 of 2019
and CRL.MP.NO.19064 of 2019

1.Gopal
2.Kaliyammal

... Petitioners

Vs.

The State rep. by
The Inspector of Police
Guindy Police Station,
Chennai City
Crime No.945 of 2019

... Respondent

Samsudeen ... Proposed Petitioner / Defacto-Complainant

[Ordered as per order of this Court dated 22/01/2021 made in
CRL.MP.NO.19064 OF 2019 IN CRL.OP.NO.33320 OF 2019]

Prayer: Criminal Original Petition filed under Section 438 of
Criminal Procedure Code, praying to enlarge the petitioners on
bail in the event of their arrest pending investigation in Crime
No.945 of 2019, on the file of the Respondent police.

For Petitioners : Mr.P.Darasathan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

For Intervenor : Mr.S.Seenuvasan

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence
under Section 380 IPC, in Crime No.945 of 2019, on the file of the
respondent/Police, seek anticipatory bail.

2. There are totally two accused in this case and the petitioners are A1 and A2. The case of the prosecution is that alleging that the de-facto complainant borrowed a sum of Rs.43,00,000/- from the petitioners, they have criminally intimidated and also asked them to pay the amount and thereafter, on 20.08.2019, they entered into the de-facto complainant's office and stolen 15 cheques and signed documents. Hence, the complaint. Earlier, this Court had granted interim anticipatory bail to the petitioner and referred the matter for mediation and since the matter was not settled, it was listed before this Court.

3. The learned counsel for the petitioners would submit that it is a case of money dispute between the parties. The de-facto complainant had borrowed a sum of Rs.43,00,000/- from the petitioners and thereafter, failed to repay the amount and when the petitioners demanded money, a false complaint has been given against the petitioners. Hence, he prays for anticipatory bail to the petitioners.

4. The learned counsel for the intervenor would submit that the de-facto complainant never borrowed any amount from the petitioners and for their false claim, they entered into the de-facto complainant's office and taken the unfilled cheques and presented before the bank and when the same was returned, they issued a legal notice. Hence, he opposed the anticipatory bail application.

5. The learned Additional Public Prosecutor would submit that there was a money dispute pending between the parties. Already interim anticipatory bail was granted to the petitioners and the matter was not settled between them. The main allegation is that the petitioners had stolen the cheques from the de-facto complainant.

6. Considering the fact that there is a money dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners shall execute a separate 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

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 as and when required for interrogation.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
22/01/2021

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 METROPOLITAN MAGISTRATE NO.IX,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUINDY POLICE STATION,
CHENNAI

CC to M/S. P.DASARATHAN Advocate on payment of necessary charges

+1CC to M/S.S.Seenuvasan Advocate on payment of necessary charges SR NO.907

CRL OP.33320 of 2019
and CRL.MP.NO.19064 of 2019

Date :22/01/2021

MK:02/02/2021



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