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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.338 of 2022

K.Ayyanar ...Petitioner

Versus

The State Rep by the
The Inspector of Police
District Crime Branch
Villupuram District
(Crime No.29 of 2021) ...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on Anticipatory bail, in the event of his arrest, pending investigation in Cr.No.29/2021, on the file of the District Crime Branch, Villupuram.

For Petitioner : M/s.M.Janani

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420, 294(b), 506(i) of IPC in Crime No.29 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1, A2 have approached the defacto complainant through this petitioner/5th accused in the case. Further, A1, A2 had borrowed a sum of Rs.20,00,000/- (Rupees twenty lakhs only) by giving assurance to the defacto complainant that amount will be repaid with 1 percent interest. Thereafter, the 1st accused introduced Mr.Sivakumar and Mr. Thyagarajan, 3rd and 4th accused who are said to the the partners of M.R.Properties. Further, the petitioner along with other accused persons had cheated the defacto complainant and threatened him. 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 is an innocent and he has been falsely implicated in this case. He further submitted that the second accused's father's property as surety and the same has been registered as 1832 of 2020

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datd 28.10.2020 in the office of the Sub-Registrar Vembakkam Taluk in the Cheyyar Registration of Tiruvannamalai and the same was cancelled after receiving the loan amount of Rs.10,00,000/- However, on instructions, the learned counsel for the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum of Rs.25,000/- to the credit of crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the A1, A2 had borrowed a sum of Rs.20,00,000/- (Rupees twenty lakhs only) by giving assurance to the defacto complainant that amount will be repaid with 1 percent interest and thereafter, refused to repay the balance Rs.4,29,000/-. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the investigation is almost completed, 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, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Judicial Magistrate No.I, Tindivanam, on condition that the petitioner 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 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 is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Crime No. 29 of 2021 before the Judicial Magistrate No.1 Tindivanam, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier.

(c) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. until further orders.

(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;

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(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 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/-
10/01/2022

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 THE JUDICIAL MAGISTRATE,
NO.I, TINDIVANAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
DISTRICT CIRME BRANCH,
VILLUPURAM

CC to M/S D.ASHOKKUMAR Advocate on payment of necessary charges

CRL OP.338/2022

Date :10/01/2022

RVR 27/01/2022

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