



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1011 of 2022

1. Gandhimathi
2. Ramragul
3. D.Lakshmana Gokul

... Petitioners

Vs.

State rep.by
The Inspector of Police,
Kadathur Police Station,
Erode District
(Crime No.4 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.4 of 2022 on the file of the respondent police.

For Petitioners : M/s.Dhanwanthi

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120 B, 420, 294 (b) and 506(i) of IPC in Crime No.4 of 2022 on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant by obtaining mortgage of 3 acres of lands was cultivating turmeric and during the year 2018 he had stored 8660 kilograms of turmeric and on 03.07.2018 at 1.00 p.m., he sold he entire turmeric to the 1st accused for a sum of Rs.10,00,000/- on credit basis, but did not pay the amounts and the same was questioned by the defacto complainant, the 1st accused had abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are husband, son and daughter of A1. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of Rs.3,00,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners along with other accused persons had received the turmeric from the defacto complainant and cheated him. He further submitted that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and the petitioners are ready and willing to deposit a sum of Rs.3,00,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, each of the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.4 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.2, Gobichettipalayam, on condition that each of 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) each of the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) totally Rs.3,00,000/- to the credit of Cr.No.4 of 2022 before the learned Judicial Magistrate No.2, Gobichettipalayam, within a period of fifteen days from the date on which, the order copy was made ready. On such deposit being made, the learned Judicial Magistrate No.2, Gobichettipalayam, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.3,00,000/- deposited by the petitioners to the credit of Cr.No.4 of 2022 will be returned to the petitioners and after obtaining such



affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

[b] the petitioners and 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.

[c] the first petitioner is directed to appear before the respondent police as and when required for interrogation and the second and third petitioners are directed to appear before the respondent police on every Wednesday at 10.30 a.m., until further orders. .

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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].

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

-sd/-
24/01/2022

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, GOBICHETTIPALAYAM.



2 THE CHIEF JUDICIAL MAGISTRATE,
ERODE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.GОВI GANESAN Advocate on payment of necessary
charges SR.NO.1103

CRL OP.1011/2022

Date :24/01/2022

JPA 09/02/2022