



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1361 of 2022

WEB COPY

1.Thangapandi
2.Paulraj
3.Saranya

... Petitioners

Vs.

State by,
The Inspector of Police,
District Crime Branch,
Villupuram District.
(Crime No.41 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail, in the event of his arrest by the respondent police in the case pending investigation in Crime No.41 of 2021, on the file of the respondent police.

For Petitioners : Mr.S.Mohamed Ansar

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 under Sections 420, 120B of Indian Penal Code, in Crime No.41 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running departmental store at Villupuram. It is alleged that the petitioners borrowed Rs.17,70,000/- for 2% interest from the defacto complainant for business. Thereafter, they refused to repay the same. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners on instructions submitted that, during the pendency of the petition, A1 and A2 arrested. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.3,00,000/- in Crime Number. Hence, he prays for grant of anticipatory bail to the petitioner/A3.



4.The learned Additional Public Prosecutor submits that Investigation is at initial stage and further submits that the petitioners cheated the defacto complainant to the tune of Rs.17,70,000/-. Hence, the complaint.

5. Considering the facts and circumstances of the case and also considering that A1 and A2 already arrested, this Court inclined to grant anticipatory bail to A3 alone.

6. Accordingly, the petitioner/A3 is directed 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 learned Judicial Magistrate No.I, Villupuram on condition that the petitioners 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/A3 shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Crime No.41 of 2021 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 learned Judicial Magistrate No.I, Villupuram. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.3,00,000/- deposited by the petitioner to the credit of Crime No.41 of 2021 will be returned to the petitioner 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 failing which, the anticipatory bail petition shall stands dismissed.

(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/A3 shall report before the respondent police daily at 10.30.am., 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;



(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/-

03/02/2022

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.I, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S R.ALAGUMANI Advocate on payment of necessary charges
Sr.1850

CRL OP.1361/2022

Date :03/02/2022

RVR 11/02/2022