



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM : JUSTICE N.SESHASAYEE

Crl.A.No.69 of 2022

E.Prabhu

..Appellant / Petitioner / Accused

Vs.

1. State, Rep by

The Inspector of Police
Arambakkam Police Station
Thiruvallur District
(Crime No.640 of 2021)

.. 1st Respondent / Respondent /

Complainant

..2nd Respondent

2.Srinivasan

[R2 impleaded as per order in Crl.M.P.No.1293 of 2022
in Crl.A.No.69 of 2022 dated 04.2.2022]

PRAYER: Criminal Appeal filed under Section 14A(2) of SC/ST (Prevention of Atrocities) Act 1989 praying to set aside the order passed by the learned Principal District and Sessions Judge, Thiruvallur, Thiruvallur District in Crl.M.P.No.86/2022 and the same was dismissed on 10.01.2022 and enlarge the appellant on bail in Crime No.640/2021, pending on the file of the Inspector of Police, Arambakkam Police Station, Thiruvallur District.

For Appellant : Mr.A.Arunkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
for R1

O R D E R

This criminal appeal has been filed against the order of dismissal of bail application in Crl.M.P.No.86 of 2022 dated 10.01.2022 by the learned Principal District and Sessions Judge, Tiruvallur.

2.The case of the prosecution is that the defacto complainant and the accused are working in a company at Goomidipoondi and that the accused got a proposal to buy a property, owing to which he obtained loan from the defacto complainant to the tune of Rs.3,00,000/- sometime in the year



2019, on a promise that he would repay it in three months time. Thereafter, inspite of his repeated request, the accused evaded to make the payment as agreed and that he had even left the job where he was previously working. Be that as it may, on 11.11.2021, the defacto complainant went to the house of the appellant/accused, and insisted him to make the payment, but he was threatened and abused. Thereafter, on 28.11.2021, the defacto complainant made a call to the accused from his mobile phone and when enquired about the repayment of loan amount, he abused him in filthy language, threatened with dire consequences and also scolded him with derogatory remarks upon his caste name. The phone call has been recorded. Since the defacto complainant was in station on the day when he made a phone call, he thereafter lodged a complaint on 09.12.2021 before the respondent-police, based on which an FIR in Crime No.640 of 2021 was registered for the alleged offences under Section 294(b), 406, 420, 506(i) IPC r/w. Section 3(1)(r) of SC/ST (Prevention of Atrocities) Act, 1989, and the appellant/accused was arrested and remanded to judicial custody on 02.01.2022. The accused had filed CrI.M.P.No.86/2022 of 2021 before the learned Principal District and Sessions Judge, Tiruvallur and the learned Judge by order dated 10.01.2021 had dismissed the same, against which, the present appeal has been filed.

3.The learned counsel appearing for the appellant would submit that the appellant was not involved in the commission of offence as alleged by the defacto complainant and a false case has been foisted against him, and that he is in judicial custody for 53 days. The appellant is ready to abide by any conditions imposed by this Court for grant of bail, and that he would not abscond himself. He also pleads that this case involves only money transaction and it is purely civil in nature.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police on instructions would submit that a certain voice recording of cellphone chat has been given to the forensic lab and it may take some time to ascertain the details. Since the investigation is at pre-mature stage and still pending, he opposed to grant bail to the appellant.

5. Heard the learned counsel appearing for the appellant and the learned Government Advocate (CrI.Side) appearing for the respondent police.

6. Taking into consideration the facts of the case and submissions made by the counsel, this Court is of the opinion that this is a case where the appeal can be allowed and the bail can be granted to the appellant. The respondent-police is also directed to complete the investigation within a period of two months.



7. In view of the above, the order dated 10.01.2022 passed in Crl.M.P. No.86 of 2022 stands set aside and the Criminal Appeal stands allowed and this Court is inclined to grant bail to the appellant/accused.

(a) Accordingly, the appellant is ordered to be released on bail on condition to 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 learned District Munsif cum Judicial Magistrate, Gummidipoondi and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the appellant on his release from prison shall appear before the respondent Police station, daily at 10.30 a.m. until further orders.

(d) the appellant shall not abscond during trial;

(e) the appellant shall not tamper with evidence or witness during trial;

(f) on breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Principal Sessions Judge/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/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1.The Principal district and Sessions Judge
Thiruvallur, Thiruvallur District.

2.The Superintendent
Central Prison, Puzhal, Chennai.



3.The Inspector of Police
Arambakkam Police Station
Thiruvallur District.

4.The District Munsif cum
Judicial Magistrate,
Gummidipondi

5.The Public Prosecutor
High Court, Madras.

6.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.A.Arun Kumar, Advocate, Sr.No.11868

CRL.A.NO.69 OF 2022

AD(CO)
KKV/25/02/2022