



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.1901 of 2022

R.Dharmalingam

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
District Crime Branch,
Vellore - 632 009.
Crime No.16 of 2021.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Connection with the Crime No.16 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.V.Karthic, Senior Advocate
for Mr.Adithya Varadarajan

For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor

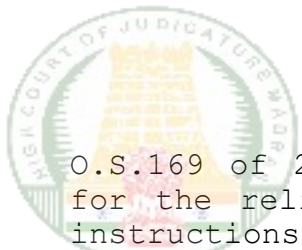
ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.16 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused had approached the defacto complainant's husband and obtained loan for a sum of Rs.2,17,50,000/- and had executed documents for Rs.1,84,00,000/- in favour of the defacto complainant for Rs.33,50,000/- and thereafter they neither created nor returned the money. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner's wife filed a Civil Suit in



O.S.169 of 2021 before the learned District Munsif, Vellore praying for the relief of permanent injunction. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.2,00,000/- (Rupees Two Lakh only) to the credit of the Crime Number 16 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner with any conditions.

4. The learned Additional Public Prosecutor submits that the investigation almost completed and further submitted that the alleged amount involved is to the tune Rs.2.5 crores. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the First Information Report.

6. Taking into consideration the facts and submissions of the learned Counsels and also considering that civil suit is pending before the trial Court, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner 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 -I, Vellore on condition that 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) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) each to the credit of Crime Number 16 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 Judicial Magistrate-I, Vellore. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the amount of Rs.2,00,000/- was deposited by the petitioner to the credit of Crime Number 16 of 2021 within a period of two weeks;

(b) the petitioner 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 petitioner shall appear before the respondent police on every Monday and Thursday 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.

(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].

(g) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

02/02/2022

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.1, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VELLORE 632009 .

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.ADITHYA VARADARAJAN Advocate on payment of
necessary charges SR.NO.1775

CRL OP.1901/2022

Date :02/02/2022

RW 10/02/2022