



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Crl.O.P.No.1624 of 2022

S.Kailash

...Petitioners/Accused

Vs.

State rep. by
The Inspector of Police,
M-6, Manali Police Station,
Tiruvallur District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of arrest in concerned in Cr.No.8 of 2022, on the file of the respondent police.

For Petitioners: Mr.Achuthanandhan
for Mr. D.Gopikrishnan

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 406, 420, 294(b), 324 & 506(ii) of IPC in Cr.No.8 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the de facto complainant's father given a sum of Rs.1.5 Crores to the petitioner regarding to sell a vacant land situated at Manali for valuable consideration of Rs.3.8 crores and thereafter the de facto complainant's father died. When the de facto complainant asked for the registration of sale deed, the petitioner attacked him with a wooden log which caused injury on head and shoulder of the de facto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner borrowed a loan of Rs.1.5 Crores from the father of the de facto complainant. Even after he repaid the amount, the de facto complainant asked for sale agreement for registering the property, which was refused by the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that de facto complainant's father has given Rs.1.5 Crores for land purchase as advance for Rs.3.08 Crores. After that the de facto complainant's father died. When the de facto complainant asks for the registration of sale deed, the petitioner assaulted him with a wooden log which caused injury on head and shoulder of the de facto complainant. He further submits that already there is money transaction between the parties from the year 2016 and a Civil Suit which was also pending between the parties in O.S.No.87 of 2021 before the learned District Munsif, Madhavaram.

5. Considering the submissions made by both counsel and also considering the fact that already there is money transaction between the parties from the year 2016 onwards , this Court is inclined to grant an Anticipatory Bail to the petitioner.

6. 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, Thiruvotriyur, 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 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 shall report before the respondent police on every Tuesday and Friday at 10.30a.m., for a period of four weeks and thereafter as and when required for an interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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;



(f) 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,
THIRUVOTRIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
M-6, MANALI POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.1624/2022

Date :03/02/2022

RVR 11/02/2022