



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1932 of 2022

1. M.Kumaravel ...Petitioners
2. M.Kadarkarailingam

Versus

State Rep by ... Respondent
The Inspector of Police,
District Crime Branch,
Villupuram District.
(Crime No.38 of 2021)

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.38 of 2021 pending investigation 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 for the alleged offences under Section 420 and 120 B of IPC in Cr.No.38 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are the brother-in-law of accused/A1 and A1 is running a departmental store at Villupuram. It is alleged that from 20.03.2021 to 07.04.2021, A1 borrowed a sum of Rs.17,70,000/- from the defacto complainant for his business and failed to repay the said amount to the defacto complainant. Thereafter, the complaint was lodged by the defacto complainant.

3.The learned counsel appearing for the petitioners submit that they have no way connected with the business dealings with A1 and defacto complainant and they have been falsely implicated in this case. However, the learned counsel, on instructions, further submit



that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.2,00,000/- to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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4.The learned Additional Public Prosecutor submits that the petitioners are close relatives of accused/A1. As per F.I.R allegation, A1 is alleged to have received goods for an amount of Rs.17,70,000/- and failed to repay the said amount to the defacto complainant. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the petitioners on their own volition, are ready to deposit an amount of Rs.2,00,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in total to the credit of Crime No.38 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 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.I, Villupuram** on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 petitioners are directed to deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs only) totally** to the credit of **Crime No.38 of 2021** before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and the defacto complainant is permitted to withdraw the said deposit amount of Rs.2,00,000/- on proper identification and acknowledgment;

(b)the petitioners 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 petitioners are directed to appear before the respondent police every Wednesday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;



(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 anticipatory 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/-

01/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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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 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM DISTRICT.

+1 CC to M/S. R.ALAGUMANI Advocate on payment of necessary charges SR.NO.1639

CRL OP.1932/2022

Date :01/02/2022

TA-04/02/2022