



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3534 of 2022

M.SELVAM

[PETITIONER / ACCUSED]

Vs

THE STATION HOUSE OFFICER
ORATHUR POLICE STATION,
CHIDAMBARAM TALUK,
CUDDALORE DISTRICT.
(CRIME NO.10 OF 2022)

[RESPONDENT]

For Petitioner : M/S V.SARADHADEVI Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

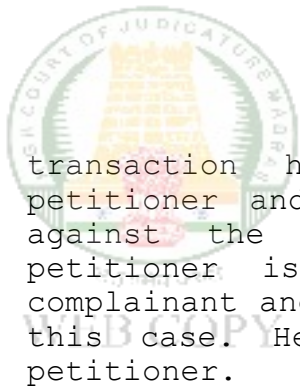
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under section 420 of I.P.C. in Crime No.10 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.03.2018, the petitioner has borrowed a loan of Rs.2,00,000/- from the defacto complainant for getting job to his wife and on 31.08.2018, again, he borrowed a sum of Rs.50,000/- for marriage expenses of A2 through Indian Bank Account transaction and before the occurrence in the year 2016, the petitioner had borrowed Rs.30,000/- and a hand loan Rs.20,000/- for advance to rental house thereby, the petitioner borrowed a total sum of Rs.3,00,000/- from the defacto complainant. On 21.12.2021, when the defacto complainant has approached the petitioner to repay the loan amount, the same was refused by the petitioner. Hence, the Law Enforcing Agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that for a loan



transaction happened between the defacto complainant and the petitioner and two others, the present case has been registered against the petitioner. His specific submission is that the petitioner is not having any intention to cheat the defacto complainant and therefore, the question of cheating does not arise in this case. Hence, he pleads to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police raised an objection stating that the investigation is pending. However, he admits that for the loan transaction happened between the petitioner and the defacto complainant, the present case has been registered.

5. The Submissions made by the counsel appearing on either side are considered.

6. The averments made in the FIR will disclose the fact that from the year 2018 onwards, the petitioner and the other two accused in this case received a loan of Rs.3 lakhs and subsequently, the same has not been paid. Further, the defacto complainant and petitioner are the relatives.

7. Taking into consideration of the fact that the alleged FIR has been registered for the loan transaction and also for the reason that the petitioner is having a permanent residential address, this court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate No.2, Chidambaram, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 conditions that:

(a) the petitioner and the sureties shall affix his 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 daily at 10.00 a.m., until further orders;

(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/-

17/02/2022

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.2, CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE STATION HOUSE OFFICER
ORATHUR POLICE STATION,
CHIDAMBARAM TALUK,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S S.VELMURUGAN Advocate on payment of necessary charges SR.No.2593

CRL OP.3534/2022

Date :17/02/2022

CSK 22/02/2022