



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5079 of 2022

1 K.RAMESH
2 R.KALPANA

[PETITIONERS / ACCUSED]

Vs

STATE OF TAMILNADU REP BY
THE SUB - INSPECTOR OF POLICE,
B3, KADAMBATHUR POLICE STATION,
TIRUVALLUR DISTRICT.
(CRIME NO.31 OF 2022)

[RESPONDENT]

For Petitioner : M/S. J.R.K.BHAVANANTHAM 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 petitioners/A1 and A2, who apprehend arrest for the offences punishable under Sections 294(b), 420 and 506(i) of IPC in Crime No.31 of 2022, on the file of the respondent police, seek Anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that, the 1st petitioner herein had induced the defacto complainant to handover a sum of Rs.3,00,000/- to admit as a partner in his hotel business and had paid the same to the 2nd petitioner. Later offering an appointment to the defacto complainant's wife as Panchayat clerk, demanded a sum of Rs.2,00,000/- and further a sum of Rs.2,00,000/- for getting the appointment letter, the defacto complainant had paid the same. As the 1st petitioner failed to keep his promise, the defacto complainant had sought for return of his money, instead the 1st petitioner is said to have abused and threatened the defacto complainant. Hence a complaint has been lodged against the petitioners.



3. The learned counsel appearing for the petitioners would submit that the petitioners are carrying on a hotel business and they have been falsely implicated in this case.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that based on the complaint given by the defacto complainant, First Information Report registered in Crime No.31 of 2022 and the investigation is in progress.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate No.02, Tiruvellore on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the Investigating Officer as and when required and shall co-operate for investigation.

(d) the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners 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.

WEB COPY

-sd/-
04/03/2022

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, TIRUVELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE SUB - INSPECTOR OF POLICE,
B3, KADAMBATHUR POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. J.R.K.BHAVANANTHAM Advocate on payment of
necessary charges SR.No.3576

CRL OP.5079/2022

Date :04/03/2022

CSK 14/03/2022