



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Third day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5702 of 2022

U.KALYANASUNDARAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
TIRUVARUR.
(CRIME NO.1199 OF 2021)

[RESPONDENT]

For Petitioner : M/S.S.SAKTHIVEL Advocate

For Respondent : M/S.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 at the hands of the respondent police for the offence punishable under Sections 294(b), 352, 420 and 506(ii) of IPC in Crime No.1199 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has borrowed a loan from the defacto complainant for a sum of Rs.6,22,000/- for the construction of his house and the defacto complainant demanded the petitioner to repay the said loan amount, but, the petitioner refused to pay the same and abused him in filthy language and criminally intimidated him. Hence, the compliant.

3. The learned counsel for the petitioner has 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 submits that there was a case in counter. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) has submitted that the petitioner has borrowed a loan from the defacto complainant for a sum of Rs.6,22,000/- and refused to repay the said loan. Hence, there was a money dispute between them. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. From the complaint, it appears that the defacto complainant and the petitioner had some money transaction and also some political connections and in pursuance, a case and counter has been registered. The petitioner herein apprehending arrest in Crime No.1199 of 2022 is before this court. The petitioner who apprehends arrest in Crime No.1199 of 2022 seeks anticipatory bail. From the reading of the FIR, it appears that for the money transaction that took place 10 years ago, the present complaint has been filed.

6. Considering the facts and circumstances of the case and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Nannilam on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) , with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the Investigation Officer daily 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 is 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

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

23/03/2022

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,
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
TIRUVARUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SAKTHIVEL Advocate on payment of necessary charges
SR.NO. 4389

CRL OP.5702/2022

Date :23/03/2022

RW 25/03/2022