



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.10052 of 2022

P.S.SETHURAMAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ARIYALUR DISTRICT.
(CR.NO. 3 OF 2022)

[RESPONDENT]

For Petitioner : M/S. T.K.S.GANDHI 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 offence under Section 406, 417 and 420 of I.P.C., in Crime No.3 of 2022, on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, it is a trade transaction between petitioner and the defacto complainant, since 2016 for procuring Diesel. It appears that, a sum of Rs.55 lakhs is paid and due to the defacto complainant.

3. The Learned Counsel for the petitioner would submit that already there is a dispute regarding the accounts and civil suit been initiated for the very same amount by the defacto complainant. Suppressing the fact, the present complaint has been filed, which is purely civil in nature.

4. The Learned Counsel for the defacto complainant entered appearance and opposed granting anticipatory bail citing huge amount is due and payable. However, considering the nature of the transaction, he has been existing since 2016 and civil suit already initiated for recovery of money.



3. Considering the facts, this Court is inclined to grant anticipatory bail. Accordingly, the petitioner is ordered to be released on anticipatory 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 No.1, Ariyalur, on condition that, the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakhs 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 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 appear before the Investigating Officer, as and when required for 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 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;

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

-sd/-

28/04/2022

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.I, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. T.K.S.GANDHI Advocate on payment of necessary
charges SR.No.6565

CRL OP.10052/2022

Date :28/04/2022

CSK 05/05/2022