



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

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM
CRIMINAL ORIGINAL PETITION No.10527 of 2022

G.AZHAGARASAN

[PETITIONER / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
HUDCO POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.
CR.NO.163 OF 2022.

[RESPONDENT]

For Petitioner : M/S.C.MUNUSAMY Advocate

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

For Intervenor : M/S A.SAKTHIVEL Advocate

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 sections 406, 420, 294(b) and 506(i) of IPC in Crime No.163 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has borrowed money from the defacto complainant for his urgent need to the tune of Rs.24,50,000/- in three instalments and not repaid the same. When the same was questioned by the defacto complainant, the petitioner abused him with filthy language and threatened him with dire consequences. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. The learned counsel would further submitted that he has been falsely implicated in this case. Hence, he pleads for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that there are totally four accused in this case and the petitioner is arrayed as A1. He would further submit



that the petitioner has borrowed a sum of Rs.24,50,000/- from the defacto complainant in three installments and failed to repay the same and when the same was questioned, he abused and threatened the defacto complainant. He further submitted that the investigation is still pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. On a perusal of the FIR, the fact reveals that the petitioner had borrowed a sum of Rs.24,50,000/- from the defacto complainant. Admittedly, the petitioner has repaid some amount but the case has been filed for non re-payment of balance amount. A civil liability has been given criminal colour for the purpose of registering the case against the petitioner. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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.II, Hosur 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 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the respondent police as and when required for interrogation.

(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 has 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.



7.The Criminal Original Petition is ordered accordingly.
Consequently, the connected miscellaneous petitioner is closed.

WEB COPY

-sd/-

11/05/2022

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.II, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
HUDCO POLICE STATION, HOSUR,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.MUNUSAMY Advocate on payment of necessary charges
Sr.7098

CRL OP.10527/2022

Date :11/05/2022

RVR 16/05/2022