



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11313 of 2022

K.SELVAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
E2-ROYAPETTAH POLICE STATION,
CHENNAI.
(CRIME NO.574 OF 2021)

[RESPONDENT]

For Petitioner : M/S.K.UDAYASELVI Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

For Intervenor : MR.R.S.MANGALAKUMAR, Advocate

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 420 of IPC in Crime No.574 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein apprehending arrest in the Crime No.574 of 2021 on the file of the respondent police is before this Court. The sum and substance of the complaint is given by one Ramachandran is that believing the words of the A1, he has mortgaged the property and raised loan for a sum of Rs.20,00,000/- and gave it to the petitioner who is none other than brother of A1. Later, the petitioner has not repaid the money and cheque given to discharge the debt is bounced, right from the inception both the petitioner and A1's had cheated the defacto complainant and thereby made him to deposit his property as a surety for the loan available from Christina Finance and Investment Limited with the promise that the



chit subscribed by the second petitioner and the same Christina Finance and Investment Limited had borrowed the money from the defacto complainant, but had not repaid it inspite of withdrawing the chit subscribing money all these things taken place in the year of July 2015.

3. The learned counsel for the defacto complainant would submit that the petitioner after knowing that the case has been registered against him, came to his house and threatened him to withdraw the complaint and in connection, the complaint has been forwarded to the Inspector of Police, Royapettah police on 25.03.2022. Therefore, the anticipatory bail should not be granted to the petitioners.

4. Considering the fact of the case there was a money transaction between the petitioner and the defacto complainant taken place in the year 2015 has lead to this complaint and the ingredients for Section 406, 420 of IPC appears to be very fragile. This Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai, 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 respondent police 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/-
18/05/2022

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 METROPOLITAN MAGISTRATE,
NO. XVIII , SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E2-ROYAPETTAH POLICE STATION,
CHENNAI.

+1 CC to M/S.K.UDAYASELVI Advocate on payment of necessary
charges SR.No. 7197

CRL OP.11313/2022

Date :18/05/2022

SP(19/05/2022)