



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.11469 of 2022

G.SANKARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
E-5, FORESHORE ESTATE POLICE STATION,
CHENNAI-600 028.
(CRIME NO.90/2022)

[RESPONDENT]

For Petitioner : M/S.T.N.RAJESHWARAN Advocate

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

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 offences punishable under Sections 417, 420 and 506(2) of IPC in Crime No.90 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner borrowed a sum of Rs. 10 lakhs from the defacto complainant in the month of February 2018 for his daughter's education expenditure. Thereafter, he failed to repay the same. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the said alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. It is seen from the FIR that the entire allegations are money transaction between the defacto complainant and the petitioner. That apart, the petitioner had executed a deed while borrowing loan from the defacto complainant. If at all, the petitioner failed to repay the amount to the defacto complainant, he ought to have approached the appropriate Court for appropriate relief.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.XXIII, Saidapet**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one among the surety shall be a blood relative of the accused, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A 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 JUDICIAL MAGISTRATE,
NO.XXIII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMROE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-5, FORESHORE ESTATE POLICE STATION,
CHENNAI-600 028.

+1 CC to M/S.T.N.RAJESHWARAN Advocate on payment of necessary
charges SR.NO.7231

CRL OP.11469/2022

Date :18/05/2022

TA-20/05/2022