

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12132 of 2022

N.THILAK CHANDRA KOUSHIK

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.
(CRIME NO.2489/2020)

[RESPONDENT]

For Petitioner : M/S.J.KINGSLY SOLOMON 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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 354A and 420 of IPC in Crime No.2489 of 2020, seeks anticipatory bail.

2. It is seen from the records that the defacto complainant approached the petitioner with the sale deed vide in document no.12687 of 2019 and mortgaged the property and borrowed a sum of Rs.4 lakhs to construct the house. Accordingly, the petitioner and the defacto complainant entered into a mortgage deed and the same was registered vide document no.13162 of 2019 dated 04.10.2019. As per the terms of mortgage deed, the defacto complainant has to repay the loan amount within a period of 3 years from the date of the agreement failing which, the petitioner can approach the civil Court for specific performance by executing the sale deed in respect of the said property in favour of the petitioner. Thereafter, the defacto complainant failed to redeem the mortgage deed and hence, the petitioner has filed a suit for recovery of money in O.S.Nos.6 & 7 of 2021 on the file of Sub Court, Palladam. Therefore, the entire allegations are civil in nature and hence, the custodial

interrogation of the petitioner does not require in this case. Though, this Court dismissed the Anticipatory Bail application filed by the petitioner on two occasions, the respondent failed to secure the petitioner even till today and the investigation is still pending in Crime no.2489 of 2020 for the past two years.

3.The learned counsel for the petitioner would submit that the entire allegations are civil in nature. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. Considering the above fact and circumstances of the case and also considering the fact that the entire allegations are civil in nature, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Palladam, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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, 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 report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter 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 petitioners 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/-
19/05/2022

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,
PALLADAM, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.

+1 CC to M/S. J.KINGSLY SOLOMON Advocate on payment of
necessary charges SR.NO.7523

CRL OP.12132/2022

Date :19/05/2022

TA-23/05/2022