



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12714 of 2022

1 MADHAN PRABHU
2 NITHYA.M

[PETITIONERS/ ACCUSED]

Vs

THE STATE REPTD BY
THE INSPECTOR OF POLICE,
ACHIRAPAKKAM POLICE STATION,
CHENGALPATTU.
(CRIME NO.423/2021)

[RESPONDENT]

For Petitioner : M/S. VELU KAARTHIKEYAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)
ASSIST BY M/S.R.S.NIRANJAN, Public Prosecutor

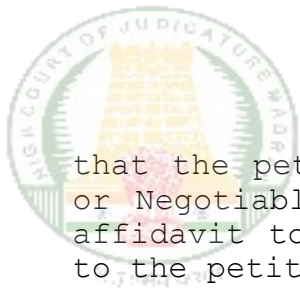
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 367, 109 of IPC in Crime No.423 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 06.09.2021 while the defacto complainant was going towards Pondicherry in his KIA vehicle, a Swift Car waylaid him and from which, five persons entered into his car and kidnapped him. They taken him to a seclude place and threatened him to pay the amount, which he borrowed from one Meenakshi. Further, the petitioners herein attempted to grab his property at Madhurantakam and they got signature in the blank cheques and negotiable instruments. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that no such alleged occurrence had taken place. Further, he submits



that the petitioners had not obtained any signature in blank cheques or Negotiable instruments and they are ready and willing to file an affidavit to that effect. Hence, he prays to grant anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) would submit that both the petitioner and the defacto complainant are business partners. Due to some dispute, the petitioners engaged hooligans and kidnapped him and got signature in various blank cheques and the Negotiable instruments and left him in the middle of the road. Thereafter, the defacto complainant called the police and they rescued him and registered the FIR.

5. On perusal of records and the submissions of both sides, it is seen that the second petitioner and the de-facto complainant were Directors of Laskhmi Value Added Housing Private Ltd. Company, which was established in the year 2018. Subsequently, due to some dispute between them, the de-facto complainant left the said Company and established another company on his own. In the year 2019 arbitration started. It is the contention of the learned counsel for the petitioners that after initiation of arbitration, there is no signed or un-signed paper with the petitioners and they also gave an undertaking that they did not hold any signed papers or Negotiable instruments with them as on date. They also gave an undertaking that they will not make any claim in future. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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 II, Madhurantakam, on condition that each of the petitioners 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 petitioners 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] petitioners to file an affidavit, stating they have no signed blank, stamp papers and Negotiable instruments, while executing sureties.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks, until further orders.



[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/05/2022

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-II,
MADHURANTAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ACHIRAPAKKAM POLICE STATION,
CHENGALPATTU.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. VELU KAARTHIKEYAN Advocate on payment of necessary charges SR.No.8107

CRL OP.12714/2022

Date :27/05/2022

CSK 02/06/2022