



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12789 of 2022

AESURAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
D.C.B POLICE STATION,
NAGAPATTINAM DISTRICT
CRIME NO.12 OF 2022

[RESPONDENT]

For Petitioner : M/S. T.ANANTHASEKAR 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 406, 420, 467 and 471 of IPC, in Crime No.12 of 2022, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioner is the owner of the property Havenly Tower shopping mall in which first and second floor was leased to the defacto complainant for a sum of Rs.33,50,000/-. Thereafter, the petitioner by pledging original title deed in Shri Ram Transport Compay borrowed a sum of Rs.1,31,00,000/-. Subsequently he failed to repay the amount and as such the petitioner faces SARFASI proceedings. The defacto complainant who is being the lessee lodged a complaint before the respondent police stating that by suppressing the fact that property was already mortgaged, the petitioner received a sum of Rs. Rs.1,31,00,000/- and threatened the defacto complainant with dire consequences. Hence, the complaint.



4. Though the petitioner is the owner of the property and he received a huge amount from the lessee, the defacto complainant is in possession and enjoyment of the respective portion. The defacto complainant and others cannot give complaint against the petitioner about the borrowing of loan, since the petitioner is original owner of the property. Therefore, he shall face consequences, if he defaulted in repayment of loan.

5. Considering the above fact 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate I, Nagapattinam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood 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 two 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
15/06/2022

WEB COPY

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.I, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
D.C.B POLICE STATION,
NAGAPATTINAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. T.ANANTHASEKAR Advocate on payment of necessary charges SR.NO.9165

CRL OP.12789/2022

Date :15/06/2022

JPA 20/06/2022