

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14324 of 2022

1 P.GOUSH BASHA

[PETITIONERS/ ACCUSED]

2 G.SALMAN

Vs

STATE REP BY ITS

[RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH TEAM - XXIII,
GREATER CHENNAI CITY,
O/O.COMMISSIONER OF POLICE,
VEPERY, CHENNAI.
(CRIME NO.446 OF 2018).

For Petitioner : M/S.T.AROCKIA DASS Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

For Intervenor : MR.P.PARAMASIVADASS, Advocate

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 406, 420 and 506(1) of IPC, in Crime No.446 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners borrowed loan for a sum of Rs.2 Crores from the defacto complainant on 18.04.2016 for an interest at the rate of 24% per annum. At the time of borrowing loan, the petitioners also executed a mortgage deed in favour of the defacto complainant. Thereafter, the defacto complainant paid part of the amount and redeemed the mortgage deed. At that juncture, the petitioners entered into a Memorandum of Understanding with the defacto complainant on 27.07.2021 with certain clauses. Accordingly, the petitioners paid the amount and there is a

balance of Rs.70,00,000/-. However, the defacto complainant issued demand notice claiming for a sum of Rs.50,00,000/- from the petitioners. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that without prejudice to their right of defence, the petitioners are ready and willing to pay some amount directly to the defacto complainant as imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) directly to the defacto complainant by way of a Demand Draft, within a period of five weeks (i.e. on or before 05.08.2022) from the date of receipt of a copy of this order and on receipt of acknowledgement for the same, 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 CCB and CBCID Special Court, Egmore, Chennai on condition that each of the petitioners shall execute a 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] the petitioners shall appear 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

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

-sd/-

29/06/2022

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 CCB & CBCID SPECIAL COURT
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH TEAM - XXIII,
GREATER CHENNAI CITY, O/O.COMMISSIONER OF POLICE,
VEPERY, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.DASS AND VISWA ASSOCIATES Advocate on payment of necessary charges SR.No.10293

CRL OP.14324/2022

Date :29/06/2022

CSK 04/07/2022