



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14362 of 2022

M.SHANKAR

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE
SENDURAI POLICE STATION,
ARIYALUR DISTRICT.
CRIME NO.112/2022.

For Petitioner : M/S.M.K.SUBRAMANIAN 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 341, 323, 379, 294(b) and 506(i) of IPC in Crime No.112 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner threatened the defacto complainant on 29.05.2022 and committed theft of Hero Honda Bike and Cell phone and further alleged that the petitioner called his henchmen to do away the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that the petitioner's sister son viz., Kathiravan had given nearly Rs.70,00,000/- for purchase of property of agricultural land measuring about 21 cents situated at Sendurai to Mrs.Priya who is the sister of the defacto



complainant on various dates and Mrs. Priya also has acknowledged of Rs.70,00,000/- by entering sale agreement. Mr. Kathiravan has been requested the said Priya to register the property. In the meanwhile, the said Priya has sold the property to one Manikandan for which, the petitioner questioned her after having received Rs.70,00,000/- had indulged in cheating and breach of trust. To counter any complainant, the defacto complainant preferred a false complaint against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor (Puducherry) appearing for the respondent submits that the petitioner threatened the defacto complainant on 29.05.2022 and committed theft of Hero Honda Bike and Cell phone and further alleged that the petitioner called his henchmen to do away the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. On perusal of records, it is seen that the defacto complainant has borrowed a loan from the petitioner and failed to repay the same. Therefore, the petitioner filed a suit for recovery of money in which the defacto complainant paid part of the amount. Further, the defacto complainant failed to pay the balance amount, for which, the petitioner has taken the mobile phone and two wheeler of the defacto complainant.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is of the view that the custodial interrogation of the petitioner does not required. Hence, this inclined to grant anticipatory bail to the petitioner subject to the following 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, Sendurai, Ariyalur District** on condition that the petitioner 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 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 an 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/-
23/06/2022

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 JUDICIAL MAGISTRATE,
SENDURAI, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
SENDURAI POLICE STATION,
ARIYALUR DISTRICT.

+1 CC to M/S.M.K.SUBRAMANIAN Advocate on payment of necessary charges SR.NO.9846

CRL OP.14362/2022

Date :23/06/2022

TA-30/06/2022