



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14365 of 2022

1 N.ANEESUR RAHMAN
2 FARHANAAZ KHATEB
3 KHALEELUR RAHMAN FAAZ NASKAK

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION,
THIRUPATHUR DISTRICT
(CRIME NO.156/2022)

[RESPONDENT]

For Petitioner : M/S C.S.SARAVANAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional 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 alleged offences punishable under Sections 294(b), 323, 363, 420, 465, 506(i) of IPC in Crime No. 156 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 22.05.2018, the petitioner has received Rs.26,18,000/- from the defacto complainant and paid only Rs.5,00,000/- on various dates. When the defacto complainant asked to return the balance amount, at that time, the petitioner assaulted and threatened the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. Therefore, he prays anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally three accused involved in this case. A2 is wife of A1 and A3 is son of A1. A1 received a sum of Rs.26,18,000/- from the defacto complainant by way of Memorandum of Understanding and A1 repaid only Rs.5,00,000/-. However, the petitioner failed to pay the remaining amount. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Even according to the prosecution, the defacto complainant has paid a sum of Rs.26,18,000/- as a loan to the 1st petitioner. The 1st petitioner repaid only Rs.5,00,000/- on various dates. However, the 1st petitioner failed to pay the remaining amount. The second petitioner is the wife of the first petitioner and the third petitioner is the son of the first petitioner. They have nothing to do with the crime as alleged by the prosecution.

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 is made ready, before the learned Judicial Magistrate, Ambur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 1st petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation. The 2nd and 3rd petitioners shall report before the respondent police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

30/06/2022

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,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION,
THIRUPATHUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S C.S.SARAVANAN Advocate on payment of necessary charges SR.NO. 10450

CRL OP.14365/2022

Date :30/06/2022

RW-08/07/2022