



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14540 of 2022

VETRI SELVAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
S-5, PALLAVARAM POLICE STATION,
TAMBARAM COMMISSIONERATE,
CRIME NO.226 OF 2022.

[RESPONDENT]

For Petitioner : M/S.V.KANNADASAN 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 and 420 of IPC, in Crime No.226 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant entered into a building construction agreement with the petitioner and paid a sum of Rs.67,00,000/-, but the petitioner did not complete the work as per the agreement and he demanded the petitioner a sum of Rs.2,64,956/- with interest and the petitioner refused to pay the amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

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



5. It is seen that the petitioner is a builder and the defacto complainant engaged him to construct a house for a sum of Rs.64,98,000/-. Even according to the case of the prosecution, the petitioner failed to construct the house within a stipulated time. That apart, the petitioner is in due of certain amount. Whereas, the learned counsel for the petitioner would submit that though the agreement entered between the petitioner and the defacto complainant for a sum of Rs.64,98,000/-, on the request made by the defacto complainant, the petitioner made additional works and the total cost of the building arose about Rs.74,50,000/-. Therefore, the defacto complainant ought to have given the balance amount to the petitioner to the tune of Rs.9,50,000/-. Therefore, only to escape from the clutches of law, the defacto complainant lodged false complaint as against the petitioner herein.

6. Considering the above facts and circumstances of the case and the entire allegations are civil in nature, the custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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-II, Tambaram, Chengalpet 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 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/-
24/06/2022

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,
NO.II, TAMBARAM, CHENGALPET DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
S-5, PALLAVARAM POLICE STATION,
TAMBARAM COMMISSIONERATE,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.KANNADASAN Advocate on payment of necessary charges SR.NO.9994

CRL OP.14540/2022

Date :24/06/2022

JPA 29/06/2022