

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Sixth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15559 of 2022

S.ARUN

[ PETITIONER / ACCUSED ]

Vs

THE STATE

[ RESPONDENT ]

INSPECTOR OF POLICE,  
TIRUPUR SOUTH POLICE STATION,  
TIRUPUR DISTRICT.  
CR.NO.95 OF 2017.

For Petitioner : M/S. R.JAYAPRAKASH 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 468 and 471 of IPC in Crime No. 95 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was totally five accused and the petitioner herein is arrayed as A4. The first accused is a friend of the defacto complainant and he introduced the petitioner to the defacto complainant, on account of which, the petitioner had obtained a loan for a sum of Rs.4,00,000/- by pledging forged registration certificates of the petitioner's car, for which, the first and second accused stood as guarantors. Similarly, the third and fifth accused have also obtained loan for a sum of Rs.2,00,000/- and Rs.3,00,000/- respectively. 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 offence as alleged by the prosecution. He would further submit that the petitioner is ready to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.95 of 2017. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the first accused introduced the petitioner to the defacto complainant and obtained a loan for a sum of Rs.4,00,000/- by pledging forged registration certificate, for which, the first accused and second accused stood as guarantors and he has no previous case pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.95 of 2017, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Tiruppur, 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 deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.95 of 2017, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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].

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

-sd/-

06/07/2022

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, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR(FOR INFORMATION)

3 INSPECTOR OF POLICE,  
TIRUPUR SOUTH POLICE STATION,  
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. R.JAYAPRAKASH Advocate on payment of necessary charges Sr.10853

CRL OP.15559/2022

Date :06/07/2022

RVR 13/07/2022