



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.25712 of 2021

Srinivasan

...Petitioner

Versus

State By,
The Inspector of Police
Vettavalam Police Station,
Thiruvannamalai District.
(Crime No.564 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of Arrest in Crime No.564 of 2021, on the file of the Inspector of Police, Vettavalam Police Station, Thiruvannamalai District.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC, in Crime No. 564 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto Complainant had purchased a Tractor in his Uncle's name (Ayyanar, S/o Vadivelu) by getting a Bank Loan. The further case is that in the year of 2020, the defacto complainant had given the Tractor to the petitioner for consideration of Rs.45,000/- Thereafter, the petitioner along with other accused person had refused to pay the dues amount to the bank and the tractor was sold to the third party and cheated the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution 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 submitted that the tractor has been recovered and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case and also the fact that the tractor has been recovered and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Judicial Magistrate No.2, Thiruvannamalai, 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 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 Court concerned 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 on every Wednesday at 10.30 a.m. until further orders.

(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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

05/01/2022

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, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VETTAVALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S S.SILAMBU SELVAN Advocate on payment of necessary charges Sr.224

CRL OP.25712/2021

Date :05/01/2022

RVR 11/01/2022