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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.26718 of 2022

V.S.Venkatachalam

..Petitioner

Vs.

State rep. by
Deputy Superintendent of Police,
Palladam, Tiruppur District.
(Crime No. not known)

..Respondent

PRAYER: This Criminal Original Petition has been filed under Section 439(1)(b) of Criminal Procedure Code, to modify the condition

"In the result, this petition is allowed and the petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the Judicial Magistrate, Palladam within 15 days from today, on their executing a bond for Rs.1,00,000/- each with 2 sureties for a like sum to the satisfaction of the Judicial Magistrate, Palladam with a condition to sign daily before the respondent police by 10.00 a.m. and sign for 30 days and shall cooperate for investigation answer when required.

Further, the petitioner shall produce solvent sureties of Rs.5,00,000/- and shall deposited documents worth Rs.10,00,000/- and the sureties have swear in affidavit to the effect that the original documents should be retained by the court which is worth Rs.10,00,000/- and the same would not be taken back till the trial proceedings is over. On such deposits, the trial court shall scrutinizing the documents and takes the documents under safe custody."



imposed in Order dated 18.10.2022 made in CrI.M.P.No.1960 of 2022 on the file of the Principal Sessions Judge, Tiruppur.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.R.Vinothraja, Govt. Advocate (CrI.Side)

ORDER

The present petition has been filed seeking to modify the condition

"In the result, this petition is allowed and the petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the Judicial Magistrate, Palladam within 15 days from today, on their executing a bond for Rs.1,00,000/- each with 2 sureties for a like sum to the satisfaction of the Judicial Magistrate, Palladam with a condition to sign daily before the respondent police by 10.00 a.m. and sign for 30 days and shall cooperate for investigation answer when required.

Further, the petitioner shall produce solvent sureties of Rs.5,00,000/- and shall deposited documents worth Rs.10,00,000/- and the sureties have swear in affidavit to the effect that the original documents should be retained by the court which is worth Rs.10,00,000/- and the same would not be taken back till the trial proceedings is over. On such deposits, the trial court shall scrutinizing the documents and takes the documents under safe custody."

imposed in Order dated 18.10.2022 made in CrI.M.P.No.1960 of 2022 on the file of the Principal Sessions Judge, Tiruppur.



himself as police personnel had been making phone calls through Mobile No.9943096836 asking the petitioner to appear in the police station for enquiry and thereby, the petitioner, finding that there is apprehension of arrest, had filed an Application seeking anticipatory bail in CrI.M.P.No.1960 of 2022 before the learned Principal Sessions Judge, Tiruppur.

3. The case of the respondent police before the court below was that the petitioner had purchased a property in his name and the cheque issued by him to the purchaser towards sale consideration got dishonoured and thereby a complaint was given by one Sangeetha and enquiry was conducted in CSR No.761 of 2022. It appears that voluminous documents with regard to the same were filed.

4. Taking into consideration the submissions and the relevant documents, the court below had passed the following order:-

"In the result, this petition is allowed and the petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the Judicial Magistrate, Palladam within 15 days from today, on their executing a bond for Rs.1,00,000/- each with 2 sureties for a like sum to the satisfaction of the Judicial Magistrate, Palladam with a condition to sign daily before the respondent police by 10.00 am. and sign for 30 days and shall cooperate for



investigation answer when required.

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Further, the petitioner shall produce solvent sureties of Rs.5,00,000/- and shall deposited documents worth Rs.10,00,000/- and the sureties have swear in affidavit to the effect that the original documents should be retained by the court which is worth Rs.10,00,000/- and the same would not be taken back till the trial proceedings is over. On such deposits, the trial court shall scrutinizing the documents and takes the documents under safe custody."

5. Learned counsel for the petitioner would submit that the alleged dispute between the parties is one of civil in nature and the de facto complainant had attempted to settle a civil dispute by way of police action and the respondent police, even without considering such aspect, are trying to arm-twist the petitioner to settle the dispute by threat of arrest even without registering F.I.R., whereas the learned Judge, without taking into consideration the nature of dispute, had passed an order imposing onerous condition directing the petitioner to produce solvent sureties of Rs.5,00,000/- and to deposit documents worth Rs.10,00,000/-.

6. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) and perused the order passed by the



court below, this court is of the view that the condition imposed by the court below appears to be onerous one and thereby, while setting aside the condition imposed by the court below with regard to production of solvent sureties of Rs.5,00,000/- and to deposit documents worth Rs.10,00,000/-, the condition with regard to execution of bond is modified to that of execution of a bond for Rs.50,000/- with two sureties each for a like sum to the satisfaction of Judicial Magistrate, Palladam within two weeks from the date of copy of this order being made ready. **Other conditions imposed by the court below shall remain in tact.**

7. The Criminal Original Petition is ordered accordingly.

16.11.2022

Index : Yes / No
Internet : Yes / No
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Note to office:-

Copy of this order may be issued forthwith.

To

1. Principal Sessions Judge, Tiruppur.
2. Deputy Superintendent of Police,
Palladam, Tiruppur District.

3. The Public Prosecutor
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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