



Crl.O.P.No.14309 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the offence unknown in unknown Crime No. pending on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that disputes arose between the partners of the said M/s.Railway & Marine Engineering Works in which the petitioner was a partner, civil suits in C.S.Nos.290 of 2010, 330 of 2010 & 248 of 2013 came to be filed by the partners of the said Firm on the file of this Court. While the above were the state of affairs, one Mr.Thirumalai had provided a sum of Rs.45,00,000/- to the petitioner towards allotment of a built up space in the proposed construction from the share of the petitioner in the said property. The said sum was paid by way of four cheques. Hence the complaint was given 10 years later.

3.The learned counsel for the petitioner submitted that the said disputes were not resolved amongst the partners of the said M/s. Railway & Marine Engineering Works, the property could not be developed. The petitioner till date, has either been able to collect the rental arrears from Mr.Thirumalai, nor



repay a sum of Rs.28,00,000/-from the said sum of Rs.45,00,000/- after deducting the rental arrears. There was no communications or any transactions between the petitioner and the said Mr.Thirumalai for a long time. He does not know anyone by name Thirumalaivasan, and the entire transactions, the petitioner had was only with the said Mr.Thirumalai. Further, the above dispute between the petitioner and Mr.Thirumalai is purely a civil dispute, for which no criminal action can be initiated against the petitioner. He further undertakes to furnish sureties to the satisfaction of the learned Metropolitan Magistrate as directed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that the it was a money dispute between the partners. Civil suits in C.S.Nos.290 of 2010, 330 of 2010 and 248 of 2013 filed before this Court. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed 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 IX Metropolitan Magistrate at Saidapet, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom one surety should be a blood surety, each for a like sum to the satisfaction of the respondent/police or the police officer, who intends to arrest the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent police as and when required;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(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 Judge 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.

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