



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Third day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22030 of 2015

BALAKRISHNAN

..PETITIONER/ACCUSED No.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
CR.NO.182 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.I.SUTHAKARAN Advocate
For Respondent : MR.K.ANBARASAN,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as 1st accused, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 406 r/w 109 of I.P.C., in Crime No.182 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant entrusted the lorry bearing Registration No.TN-28-2086 with the petitioner and it was sold by the petitioner to third accused for a sum of Rs.1,30,000/- and the petitioner did not give the said amount to the defacto complainant. Thus, he has committed the offence of criminal breach of trust.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence. The lorry was sold only with the consent of the defacto complainant and the sale consideration was paid by the 3rd accused directly to the defacto complainant and only to get extra amount the present complaint has been lodged. It is further submitted that though this Court has dismissed the anticipatory bail application of the petitioner in Crl.O.P.(MD) No.12961 of 2015 on 11.10.2015, subsequently, A2 and A3 were arrested and released on bail by the learned Judicial Magistrate No.II Virudhunagar.

4. The learned Government Advocate (Criminal side) submitted that the petitioner submitted the lorry to the third accused without having any right over the lorry entered into an agreement with the third respondent and sold the same to the 3rd accused without the knowledge of the owner of the lorry.



5. Considering the facts and circumstances of the case and also considering the fact that A2 and A3 were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.2, Virudhunagar and on his executing 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
23/11/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.2,
VIRUDHUNAGAR.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.I.SUTHAKARAN Advocate SR.No.66916

akm/25.11.2015 /2p-6c/

ORDER
IN
CRL OP(MD) No.22030 of 2015
Date :23/11/2015