



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

Thursday, the Seventh day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.6068 of 2016

G.SAMPATHKUMAR

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
AMMAPET POLICE STATION,
THANJAVUR DISTRICT,
CR NO. 49 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.ALAGARSAMY Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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 alleged offences punishable under Sections 147, 148, 294 (b), 342, 352, 386 and 417 I.P.C. in Crime No.49 of 2016 on the file of the respondent police, seeks anticipatory bail.

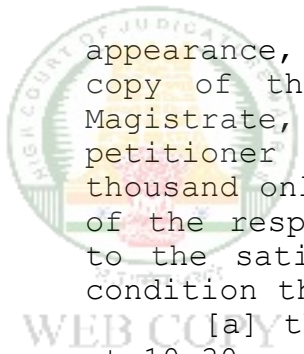
2. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.

3. On a reading of the F.I.R. it is seen that it is alleged by the defacto complainant that he is working under one Kuthalingam who is the owner of Bolero Car bearing Registration No.TN-72-1743 and that one Kunasekaran promised that he will get vehicle loan on the said car. Believing his representation, the defacto complainant went in the said car on 30.01.2016. It is alleged by the defacto complainant that he was waylaid at around 05.00a.m. and the car was taken away by Gunasekaran and the complaint has been given only on 06.02.2016.

4. The learned Government Advocate (Crl.Side) submitted that Gunasekaran has been arrested.

5. The learned Counsel for the petitioner submitted that there was a dispute with regard to the sale of the car, in connection with which, on the instructions of Gunasekaran, a notice has been issued on 05.02.2016 and only thereafter F.I.R. has been registered.

6. Taking into consideration the nature of allegations made in the F.I.R. and the fact that A.1 has been arrested, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her



appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District, 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 shall report before the respondent police daily at 10.30a.m. until further orders;

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

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

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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].

(e) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the petitioner is complying with the order or not.

sd/-
07/04/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT.

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

4 THE INSPECTOR OF POLICE
AMMAPET POLICE STATION,
THANJAVUR DISTRICT,

+1. CC to M/S S.ALAGARSAMY Advocate SR.No.19823.

ORDER
IN
CRL OP(MD) No.6068 of 2016
Date :07/04/2016