



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

Friday, the Twenty First day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.9189 of 2017

MOHAMMAD GANI

... PETITIONER / ACCUSED No.1

Vs

The State rep.by

THE INSPECTOR OF POLICE

WORAIYUR POLICE STATION, TIRUCHIRAPPALLI CITY,

(CRIME NO.905 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

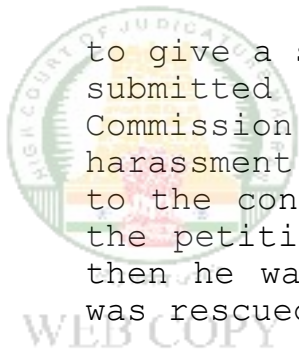
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / A1, who was arrested on 24.06.2017 for the offences punishable under Sections 294(b), 420, 506(i) IPC in Crime No.905 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and A2 are the owners of Royal Cars and in the year 2012, the de facto complainant has approached them for purchasing an used Zylo car and paid a sum of Rs.6,60,000/- on various dates. After paying the said amount, the de facto complainant has taken away the said car. However, they have not given R.C.book for the said car. Thereafter, in the year 2014 one Venkatasubramaniyan intercepted the car of the de facto complainant, stating that R.C.book for the said car stands in his name and hence, he has taken away the said Car. When the de facto complainant questioned the same with the petitioner, the petitioner along with other accused threatened him with dire consequences.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner herein is a car broker and when the de facto complainant approached them for purchasing a car, they introduced one Sampath and Venkata Subramanian. Thereafter, the petitioner did not know anything about the transaction between them and after five years, a Special Sub Inspector of Police summoned the petitioner to the respondent Police Station for investigation and from there, the petitioner was forced



to give a statement for returning R.C.book of the said Car. He also submitted that the petitioner sent representations to Human Right Commission and other higher police officials regarding the harassment of the respondent Police. He further submitted that due to the continuous harassment at the hands of the respondent Police, the petitioner attempted to commit suicide by consuming poison and then he was admitted in Retna Global Hospital on 25.05.2017 and he was rescued.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that totally there are two named accused and the petitioner is arrayed as A1 in this case and A2 is still absconding. He also submitted that during enquiry, the petitioner agreed to return R.C.book of the said car within one month and thereafter, he failed to do so. He further submitted that investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that no records are produced by the respondent Police to show that the said car was purchased from the petitioner herein, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i)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 Judicial Magistrate No.IV, Tiruchirappalli;

(ii)the petitioner is directed to appear before the Judicial Magistrate No.IV, Tiruchirappalli daily at 10.30 a.m. until further orders and also appear before the respondent Police as and when required for enquiry;

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

(iv) the petitioner shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 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]**.

sd/-

21/07/2017

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



TO

1 THE JUDICIAL MAGISTRATE NO.IV, TIRUCHIRAPPALLI

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TRICHY

3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY

4 THE INSPECTOR OF POLICE
WORAIYUR POLICE STATION, TIRUCHIRAPPALLI CITY

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.27053

SM:PM-PN:SAR I:21.7.2017:3P/7C

ORDER

IN

CRL OP(MD) No.9189 of 2017

Date :21/07/2017