



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

Tuesday, the Third day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.4100 of 2018

1 RAMANATHAN
2 RAJENDRAN
3 SUDARSAN
4 SURESH @ GANESAN
5 KALIMUTHU

... PETITIONERS/ACCUSED No.1 to 5

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO.43 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.BALASUBRAMANIAN, for M/S.JEGADEESWARAN, Advocate

For Respondent : M/S.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506 (ii) IPC in Crime No.43 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner herein is the owner of the 14 seater van. He sold the same to the defacto complainant. The consideration was fixed as Rs.3,45,000/-. The first petitioner received a sum of Rs.2,45,000/-. Rs.1,00,000/- still remains to be paid by the defacto complainant to the first petitioner. The first petitioner however was withholding the RC Book. This led to the present dispute between the first petitioner and the defacto complainant. It appears that there was some quarrel in this regard leading to the Commission of the offences mentioned in the present First Information Report in Crime in 43 of 2018. The specific allegation



is that the petitioners ran the van over the leg of the defacto complainant causing him serious injury. Therefore, the defacto complainant lodged a complaint and the respondent police registered a case in Crime No.43 of 2018, on the file of the Inspector of Police, Sakkottai Police Station, Sivagangai District.

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3.The learned counsel appearing for the petitioners would further submit that the bumper of the said van hit the leg of the defacto complainant. This Court suggested to both of them is that they can amicably resolve the issue. The learned counsel for the petitioners also admitted that the van which was sold by them to the defacto complainant had been taken back by them.

4.This Court put it to the petitioners' counsel that in that event the first petitioner would not be justified in retaining the consideration amount of Rs.2,45,000/-.

5.The learned counsel appearing for the petitioners submit they would hand over the said sum of Rs.2,45,000/- within a period of 15 days.

6.The learned counsel appearing for the defacto complainant submitted that he would receive the said amount and not make any claim over the van.

7.These observations have been made only for the purpose of granting Anticipatory Bail to the petitioners and they would have no bearing either on the investigation or the subsequent trial if the police chose to file a final report against the petitioners.

8.The learned Government Advocate (Crl.side) appearing for the State submitted that the investigation is still pending. The specific allegation is that the petitioners ran the van over the leg of the defacto complainant causing him serious injury.

9.Recording the undertaking given by the petitioners that the said sum of Rs.2,45,000/- would be given to the defacto complainant within a period of 15 days from today by way of Demand Draft in favour of the defacto complainant and considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate District, Karaikudi, Sivagangai District and on their 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 on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C.



11. The petitioners 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 shall stand dismissed.

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sd/-
03/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.JEGADEESWARAN Advocate SR.No.5300

ORDER
IN
CRL OP(MD) No.4100 of 2018
Date :03/04/2018

PK/RR-CSL/SAR-3/09.04.2018 : 3P/6C