



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

Monday, the Twenty Ninth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CRL OP(MD) No.1120 of 2019

1 VAIGAI PANDI @ PANDIAN
2 MARAKKADAI PANDI @ PANDI
3 SUBBRURAM

... PETITIONERS / ACCUSED NO.2 - 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.59/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.MAHARAJA Advocate

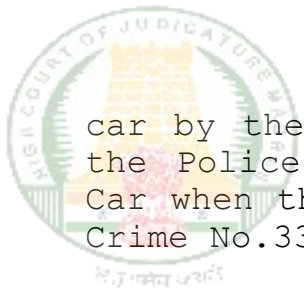
For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 420, 379(NP) and 506(i) I.P.C. in Crime No.59 of 2018 and hence, he seeks anticipatory bail.

2.The basic fact is that one Tamizharasan / *de facto* complainant in Crime No.59 of 2018, owned a Ford Fiesta Car bearing Registration No.TN 10 AA 4999 and according to him, he had sold the said car through the first accused Palanisamy to one Elanchezhiyan / *de facto* complainant in Crime No.9 of 2019. There is consensus herein that Elanchezhiyan had purchased a car from Tamizharasan through the broker Palanisamy and the transaction had taken place. Though the signature was obtained in the Transfer Form from Tamizharasan, the same was neither delivered to the Elanchezhiyan nor has he handed over the registration Certificate of Tamizharasan. The first accused Palanisamy is alleged to have made use of these documents and pledged the same with accused Nos.2 to 4 in Crime No.59 of 2018. It appears that due to non payment of dues, the financier has taken possession of the Car forcibly when the car was actually in the possession of Elanchezhiyan. A triangle love for a



car by the three people. Now Palanisamy has given a complaint to the Police that Elanchezhiyan has threatened him and obtained the Car when the Car was in his custody, and the same was registered in Crime No.330 of 2017.

3. But long before Palanisamy has preferred a complaint, which is now pending investigation in Crime No.330 of 2017, Elanchezhian asserts that he through his driver had preferred a complaint before the same Police on 05.12.2017, on the very day, on which, the Car was removed from his custody by the Financiet. But no case was immediately registered. Even though according to the learned counsel appearing for Elanchezhian, (the petitioner in the connected contempt Petition No.36 of 2019) submitted that when his complaint preferred first disclosed a commission of a cognizable offence, a subsequent complaint for the same occurrence preferred by Palanisamy was registered in Crime No.330 of 2017. The case in Crime No.330 of 2017, against Elanchezhian and his Driver. Therefore, Elanchezhian along with his driver had preferred CrI.O.P.(MD).Nos.14788 and 14789 of 2018, for quashing the First Information Report in Crime No.330 of 2017. These cases were disposed of Vide order of this Court dated 24.08.2018 with a direction to the Investigating Agency to register a case in the complaint dated 05.12.2017, preferred by the Elanchezhian's Driver. Since this order was not obeyed, Elanchezhian had filed Contempt Petition No.36 of 2019. During the pendency of this Contempt Petition, a case in Crime No.9 of 2019 was registered on 10.01.2019. Be that as it may, a car was now taken possession of by the Investigating Agency in Crime No.59 of 2018.

4. The learned Government Advocate (CrI. side) submitted that the investigation in Crime No.330 of 2017 is completed and a charge sheet has been laid. This Court does not want to react to the submission as the sequence of events now unfolded do not convey a happy message to this Court that all is well with this case.

5. Since the facts narrated above do not disclose that there is a need for custodial interrogation, this Court deems fit appropriate granting anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

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

(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 petitioners released on bail by the learned 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.M.MAHARAJA, Advocate (SR-7978[I] dated 30/04/2019)

ORDER

IN

CRL OP(MD) No.1120 of 2019

Date : 29/04/2019

JM/PN/SAR 2/24.05.2019/3P/6C