



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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.6868 of 2019

SOLAI BABA

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
PALANI, DINDIGUL DISTRICT.
CRIME NO.127 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.R.KANNAPPAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

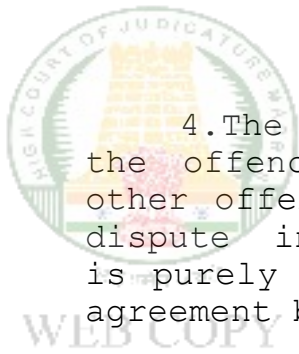
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent Police, in connection with Crime No.127 of 2019, for the offence punishable under Sections 420, 294(b) and 506(i) IPC, seeks anticipatory bail.

2.Heard Mr.A.R.Kannappan, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl.Side) appearing for the State.

3.The case of the prosecution is that the defacto complainant has purchased a Renault Duster Car on finance through SriRamFinance and he became owner of the car and while so it is alleged that the petitioner has approached the defacto complainant stating that the petitioner himself would clear the dues payable to the finance company and he get the name changed into his name, thereafter cheated the said company. It is further alleged that the petitioner failed to return the car when demanded by the defacto complainant and on 27.03.2019 when he demanded, it is alleged that the petitioner abused him in filthy language and threatened him with dire consequences.



4.The learned counsel for the petitioner submitted that except the offence punishable under Sections 420 and 506(ii) IPC, the other offence is bailable in nature. He would also submit that the dispute involved between the petitioner and the defacto complainant is purely civil in nature and he has been a guarantor in the loan agreement between the defacto complainant and the finance company

5.The learned Government Advocate (Crl. Side) would submit that investigation is pending.

6.Considering the facts and circumstances of the case, and considering the fact that dispute involved between the petitioner and the defacto complainant is civil in nature and he has been a guarantor in the loan agreement between the defacto complainant and the finance company, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7.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 on which the order copy was made ready before the learned Judicial Magistrate, Palani, on condition that the petitioner shall execute a separate 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 and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

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

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

16/05/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
PALANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
PALANI, DINDIGUL DISTRICT.

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

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-8595[I] dated 17/05/2019)

ORDER

IN

CRL OP(MD) No.6868 of 2019

Date :16/05/2019

JM/JC/SAR 1/20.05.2019/3P/6C