



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 11/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7342 of 2019

K.Vijayakumar

... Petitioner/Accused Rank No.2

Vs

State rep.by,
The Inspector of Police,,
Manachanallur Police Station,
Trichy District,
In Crime No.116 of 2019.

... Respondent/Complainant

For Petitioner : M/s.B.Jameel Arasu,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

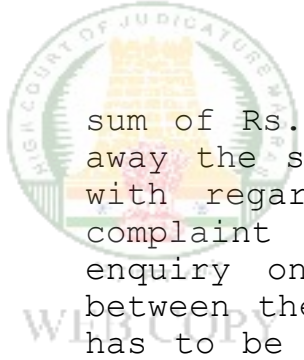
For Anticipatory Bail in Crime No.116 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of IPC, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He further submitted that the defacto complainant has hypothecated his Tata Indica Car bearing Registration No.TN 32 E 9295 with the petitioner and received a sum of Rs.1,00,000/- and the petitioner in turn hypothecated the said car with the defacto complainant and received



sum of Rs.1,80,000/- but, subsequently the first accused had taken away the said car from the custody of the defacto complainant and with regard to the same, the defacto complainant had lodged a complaint before the respondent police on 08.09.2017 and during enquiry on the said complaint, a settlement was arrived at in between the parties and as per the said settlement, the said car has to be handed over to the petitioner and the petitioner has to pay a sum of Rs.1,80,000/- to the defacto complainant, but the first accused has not handed over the said car to the petitioner and hence he is not able to pay the amount to the defacto complainant as promised by him. He further submitted that the defacto complainant has lodged the present complaint as if the petitioner has violated the arrangement and based on the same the present First Information Report has been registered against the first accused and the petitioner herein. He further submitted that though the respondent police has arrested the first accused, they have not recovered the said car and under the said circumstances, the petitioner is not able to pay the amount to the defacto complainant. Hence he prayed for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor would submit that the accused persons colluded together and they are hiding the car and hence the police is not able to recover the said car. He further submitted that since the petitioner promised that he will pay the amount of Rs.1,80,000/- to the defacto complainant on or before 08.10.2017, he has to pay the amount, but he has not paid the amount and he opposed this petition. However, he fairly conceded that already A1 was released on bail by the trial court.

5. Taking into consideration of the fact that there is an agreement between the accused persons and the defacto complainant with regard to the money transactions and also the fact that though the respondent police had arrested the first accused but they have not recovered the car from the first accused, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 No.II, Trichy 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(b) the petitioners shall report before the Respondent Police daily at 10.30 a.m for the period of three weeks and thereafter as



and when required for interrogation

[c] the petitioners shall not abscond either during investigation or trail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/06/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, TRICHY
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY
- 3.THE INSPECTOR OF POLICE,
MANACHANALLUR POLICE STATION,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7342 of 2019
Date :11/06/2019

AAV
PK/JC/SAR-2/17.06.2019 : 3P/5C