



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

Tuesday, the Twenty Sixth day of February Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21500 of 2018

1 J.SARAVANAN

2 J.KARTHIGAI KANNAN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.810 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.P.SARAVANAN, Advocate
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor
For Intervenor : Mr.ANANTH C.RAJESH, Advocate

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

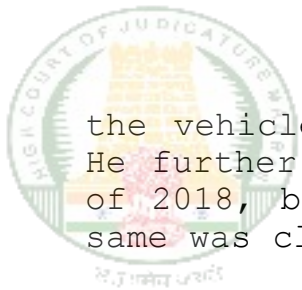
ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 429, and 506(i) of IPC in Crime No.810 of 2018, on the file of the respondent police.

2.It is the case of the prosecution that the petitioner purchased the vehicle through hypothecation agreement with the defacto complainant. After purchasing the vehicle, the petitioners paid only two EMIs and the rest of EMIs were not paid and dismantled the vehicle. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the defacto complainant induced the petitioners to purchase the vehicle. The petitioners had paid a sum of Rs.1,50,000/- to the Ashok Leyland Company at the time of taking the vehicle and thereafter the petitioners paid a sum of Rs.1,20,000/- by way of installments. Since the defacto complainant tortured the petitioners, they are not able to run the vehicle for seven months, for which they are not able to pay the balance EMIs. Hence, they seek for anticipatory bail.

4.The learned counsel appearing for the defacto complainant submitted that the petitioners initially paid EMIs and dismantled



the vehicle, for which, the defacto complainant filed a complaint. He further submitted that the petitioner filed Crl.O.P.(MD)No.21572 of 2018, before this Court to not to harass the petitioner and the same was closed.

5.The learned Government Advocate (Crl. Side) appearing for the State submitted that the investigation is pending.

6.Considering the facts and circumstances of this case and also considering the allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Natham, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m.,until further orders;

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

(d)the petitioners 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 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]**; and;

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

(g) Liberty is given to the defacto complaint to secure the vehicle and recover the money in the manner known to law, if any defaulted by the petitioners, as per the hypothecation agreement.

sd/-

26/02/2019

/ TRUE COPY /



TO

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

+1. CC to Mr.P.SARAVANAN Advocate SR.No.3959
+1CC TO Mr.ANANTH C.RAJESH, Advocate, Sr No.3815

ORDER
IN
CRL OP(MD) No.21500 of 2018
Date :26/02/2019

MS/JC/SAR-4/04.03.2019/3P.7C