



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

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.21840 of 2018

HENRY CHARLES PRABHU

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.SELVARAJ Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : M/s.A.ARUL JENIFER, Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 403, 294 (b), 506 (i) IPC in Crime No.Not Known of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner in the year 2015 sold the vehicle of the defacto complainant and did not pay the same to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and it is purely a business transaction. However, on instruction, he would submit that he is ready to deposit a sum of Rs.40,000/- to the defcto complainant without prejudice to his right. Thereafter, the learned Magistrate disburse the said amount to the defacto complainant.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor would submit that



the investigation is pending in Crime No.11 of 2019.

5.The learned counsel for the intervenor conceded the proposal made by the learned counsel for the petitioner.

6.Considering the facts and circumstances of the case and the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner, since the petitioner himself is ready to deposit a sum of Rs.40,000/-.

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 of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Dindigul 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] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall deposit a sum of Rs.40,000/-(Rupees Forty Thousand only), to the credit of Crime No.11 of 2019, within a period of twelve days from the date of receipt of a copy of this order, failing which this order shall stand automatically vacated without further reference to this Court. The learned Magistrate shall disburse the same to the defacto complainant after verifying the identity of the defacto complainant.

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

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 petitioner 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]**.

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

sd/-
08/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO I
DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL

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

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

ORDER
IN
CRL OP (MD) No.21840 of 2018
Date :08/02/2019

MSI/VR/SAR-III/15.02.2019-3P/5C