



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 16/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9070 of 2019

M.Pratap

... Petitioner/A2

Vs

State Rep.by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.
(Crime No.284 of 2019)

... Respondent/Complainant

For Petitioner : Mr.C.Jeganathan, Advocate for
Mr.N.Prasanna, Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

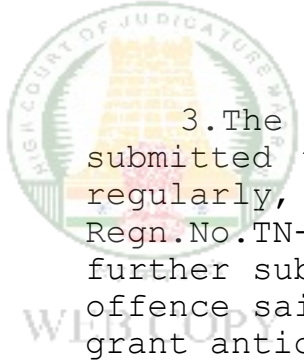
PRAYER :-

For Anticipatory Bail in Crime No.284 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468 and 420 of IPC in Crime No.284 of 2019, seeks anticipatory bail.

2.As per the F.I.R, A-1 borrowed a sum of Rs.8,15,000/- from the defacto complainant's Company by hypothecating Mahindra Navistar Tipper Lorry bearing Regn.No.TN69-AK-8993 and subsequently, he paid only two instalments. It is further stated that engine number and the chassis number belong to the said vehicle have been printed in the Ashok Leyland lorry bearing Regn.No.TN-69-BA-9898, which belongs to the second accused (petitioner herein). It is further stated that already, the petitioner herein borrowed a sum of Rs.13,00,000/- from the defacto complainant's Company by hypothecating lorry bearing Regn.No.TN-69-BA-9898 and he also has not paid the entire dues.



3.The learned counsel appearing for the petitioner has submitted that since the petitioner could not pay the instalments regularly, the respondent Police has seized the lorry bearing Regn.No.TN-69-BA-9898, which belongs to the petitioner herein. He further submitted that the petitioner is in noway connected with the offence said to have been committed by A-1. Therefore, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that already, the petitioner by hypothecating his vehicle bearing Regn.No.TN-69-BA-9898 had borrowed a sum of Rs.13,00,000/- from the defacto complainant's Company and thereafter, A-1 borrowed a sum of Rs.8,15,000/- by showing the same vehicle and hence, he strongly opposed this petition.

4.As already pointed out, in the F.I.R, the defacto complainant has stated that A-1 borrowed the amount from the defacto complainant's Company by hypothecating one Mahindra Navistar Tipper Lorry bearing Regn.No.TN-69-AK-8933 and subsequently, he has printed the chassis number and engine number which belongs to the said vehicle in the Ashok Leyland lorry, which belongs to the petitioner herein bearing Regn.No.TN-69-BA-9898.

5.But the learned Additional Public Prosecutor has submitted that in the vehicle, bearing Regn.No.TN-69-BA-9898, which was seized by the respondent, engine number and chassis number have not been changed.

6.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi on condition that the petitioner 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 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 fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police daily at 10.00 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

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



[d] the petitioner shall not tamper with evidence or witness 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 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].

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

sd/-
16/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION, THOOTHUKUDI.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.VEERA ASSOCIATES, Advocate SR.No.11842

ORDER
IN
CRL OP(MD) No.9070 of 2019
Date :16/07/2019

MS/PN/SAR-4/24.07.2019/3P.6C