



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

Thursday, the Tenth day of January Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.18937 of 2018

A.MOHAMEED ABDUL HAKKEEM

... PETITIONER / ACCUSED (SOLE)

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
K.PUDUR POLICE STATION, MADURAI.  
CRIME NO.779 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.SUBBURAJ Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Government Advocate (Crl.Side)

For Intervenor : MR.T.LAJAPTAHI ROY, Advocate

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

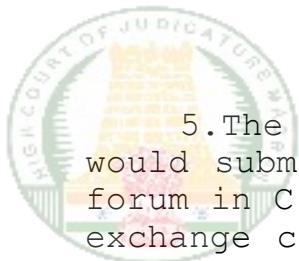
ORDER : The Court Made the following order :-

The petitioner, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 463, 468, 471 and 472 IPC, in Cr.No.779 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has purchased one Tata Sumo Car on 01.03.2018 from the petitioner's company by name M/s.Sakthi Auto Motors Private Limited. The said car was delivered as that of the car belongs to the year 2018, by making some corrections in RC book. It was found that the Car is of the year 2017. If it is known to the defacto complainant, he would not have purchased the car definitely. The petitioner had deceived the defacto complainant. Hence the complaint.

3.This Court felt that the matter could be settled and therefore, the matter was referred to the Tamil Nadu Mediation and Concilliation Centre attached to this Court.

4.The learned counsel appearing for the petitioner would submit that in Tamil Nadu Mediation and Concilliation Centre attached to this Court, it was agreed by the petitioner that without prejudice to his case, the vehicle, namely Tata sumo car was delivered to the defacto complainant on 01.03.2018. Now, more than nine months have elapsed. Then to, the petitioner is ready to exchange the present car with the brand new car. For which, the defacto complainant is not agreeable.



5.The learned counsel appearing for the defacto complainant would submit that he has already filed a case before the redressal forum in C.C.No.91 of 2018. If the defacto complainant receives the exchange car as offered by the petitioner, his defence in the case before the redressal forum could not be further proceeded with and prejudice would cause to him.

6.Heard the learned counsel appearing for the petitioner, learned counsel appearing for the defacto complainant and the learned Government Advocate (Crl. Side).

7.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court inclined to grant anticipatory bail to the petitioner.

8.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.VI, Madurai, 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 said Magistrate, on further conditions that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police, as and when required for interrogation.

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

[d] the petitioner 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 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 229-A IPC.

Consequently, connected Miscellaneous Petition is closed.

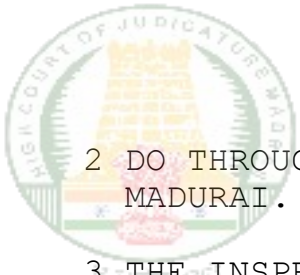
sd/-

10/01/2019

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.

3 THE INSPECTOR OF POLICE,  
K.PUDUR POLICE STATION, MADURAI.

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

+1. CC to M/S.T.LAJAPATHI ROY, Advocate SR.No.710

+1. C.C. to M/S.A.CHANDRAKUMAR, Advocate SR.No. 41158

ORDER

IN

CRL OP (MD) No.18937 of 2018

Date :10/01/2019

JM/JC/SAR 1/21.01.2019/3P/7C