



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

Wednesday, the Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19605 of 2018

1 S.ARUNAGIRINATHAN
2 J.MANIKANDAN
3 P.SURESH

... PETITIONERS / ACCUSED No. 2,3 & 4

Vs

THE INSPECTOR OF POLICE,
CRIME BRANCH, WORAIYUR POLICE STATION,
WORAIYUR, TRICHY -3,
TRICHY DISTRICT.
(IN CRIME NO. 711 of 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.SUNDAR Advocate

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

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 offences punishable under Sections 465, 468, 471 and 420 IPC in Crime No.711 of 2018 seek anticipatory bail.

2.The case of the prosecution is that the lorry in question bearing Registration No.TN 48 AY 1288 belonging to the third petitioner, has been mortgaged with the second petitioner. Thereafter, the second petitioner along with the first petitioner have obtained loan from the defacto complainant by pledging the said vehicle without the knowledge of the third petitioner herein. In order to recover the said vehicle, the third petitioner herein has approached the second petitioner along with the said loan amount and insisted him to return the vehicle after receipt of said loan amount. But he has not returned the said vehicle. Hence, the third petitioner has filed a complaint before the respondent herein on 20.05.2018.



3.The learned counsel for the petitioners would submit that the third petitioner is the original owner of the said lorry and he had never hypothecated the vehicle with the defacto complainant. There is no connection between the third petitioner and the petitioners 1 and 2. Initially one K.D.Jose had filed an anticipatory bail before this Court. Thereafter, the petitioners 1 and 2 had filed an anticipatory bail application in CrI.O.P.(MD) No.14161 of 2018. The respondent therein submitted that on 29.08.2018 enquiry has been conducted and closed. Thereafter, the third petitioner herein had filed a direction petition before this Court in September, 2018. Since the vehicle belonging to him, has been seized by the respondent police, the same had not been produced before the Court. At that time, the present complaint has been lodged by the defacto complainant. When the petition came up for hearing on 04.10.2018, it was submitted that the above case has been registered in Crime No.711 of 2018 and the third petitioner had been shown as accused. The petitioners have been falsely implicated in this case.

4.The learned Additional Public Prosecutor for the respondent police would submit that the report from the Motor Vehicle Inspector clearly states that the particulars of photo copy as well as the Registration Certificate of the vehicle is being forged. However, he submits that these accused along with other accused have jointly together cheated several persons. The vehicle was seized and produced before the learned Judicial Magistrate No.4, Trichy.

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

6.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 No.4, Trichy, 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 said Magistrate, on further condition that:

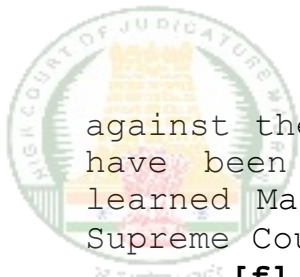
[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., and thereafter, as and when required for interrogation.

[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]**.

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

sd/-
02/01/2019

/ TRUE COPY /

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

TO

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

+1. CC to MR.R.SUNDAR Advocate SR.No.110

ORDER
IN
CRL OP(MD) No.19605 of 2018
Date :02/01/2019

MSI/PN/SAR-II/08.01.2019-3P/6C