



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.20596 of 2018

R.JOTHI MANICKAM

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI.
(CR.NO.817/2018)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.C.MEENAKSHI RAMA PRABU, Advocate

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

For Intervenor : MR.P.GUNASEKARAN, Advocate

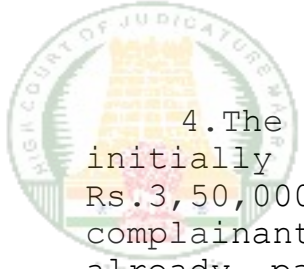
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 406, 418, 420 and 424 of IPC, in Cr.No.817 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant handed over the vehicle to the petitioner in order to carry out the repair works. But, the petitioner neither carried out the repair works nor returned the car. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submits that after carried out the repair works the vehicle was ready in time. At the time of handing over the vehicle, the defacto complainant has paid an advance amount of Rs.50,000/- to the petitioner and the petitioner spent a sum of Rs.6,00,000/- to carry out the repair works and it is ready to hand over to the defacto complainant.



4.The learned counsel for the intervenor would submit that initially they entered into an agreement for the payment of Rs.3,50,000/- and now he demanded more money from the defacto complainant. He is ready to pay Rs.3,50,000/- apart from the money already paid by him as advance. The learned counsel for the petitioner is also agreed for this agreement and would submit that after receipt of the said amount the vehicle will be returned to the defacto complainant.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that in view of the compromise arrived between the parties, this Court may pass appropriate orders.

6.Considering the facts and circumstances of this case and in view of the compromise arrived between the parties, this Court inclined to grant anticipatory bail to the petitioner. 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 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the defacto complainant is directed to pay a sum of Rs.3,50,000/- to the petitioner on 15.02.2019 and after receipt of the amount, the petitioner shall returned the vehicle to the defacto complainant which was already handed over to the petitioner to carry out the repair works by the defacto complainant.

(c)the petitioner shall report before the respondent police as and when required for interrogation.

(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 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;



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

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sd/-
13/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI
- 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 MR.C.MEENAKSHI RAMA PRABU, Advocate SR.No.3079

ORDER
IN
CRL OP(MD) No.20596 of 2018
Date :13/02/2019

TM
PK/PN/SAR-1/18.02.2019 : 3P/5C