

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twelfth day of February Two Thousand Twenty

PRESENT

The Hon'ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.939 of 2020

SUDHAKARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
T2 AMBATTUR ESTATE POLICE STATION,
CHENNAI DISTRICT-600 058.
CR.NO.5/2020.

For Petitioner : M/S V.LAKSHMI NARAYANAN Advocate for
M/S.M.DURAIMURUGAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S R.JOHN SATHYAN 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 420 and 506(i) IPC in Crime No.5 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is running a service centre for Maruthi Vehicles; the defacto complainant has handed over his Audi A8 car with RC Book to the petitioner to sell it for Rs.18,00,000/-; similarly, the friend of the defacto complainant by name Jonny has also handed over his Audi car to the petitioner for a sale consideration of Rs.8 lakhs; after taking both the vehicles, the petitioner gave two cheques to the complainant and the said Jonny; when the cheques were presented for collection, the same got dishonoured; further, the petitioner has neither returned the cars nor given money to them; when the defacto complainant and the said Jonny demanded the same, the petitioner criminally intimidated them and threatened with dire consequences, which resulted in the registration of the present case.

3.Mr.V.Lakshmi Narayanan, learned counsel appearing for the petitioner submits that the petitioner is innocent and he has nothing to do with the alleged offence. However, in order to show his bona fide, the petitioner is ready and willing to deposit a sum of

Rs.5 lakhs to the credit of Crime No.5 of 2020 and the same may be permitted to be withdrawn by the said Jonny by handing over the RC book. Insofar as the vehicle belonging to the defacto complainant is concerned, the learned counsel for the petitioner submitted that it is in the custody of the respondent police, which has been conceded by the learned counsel for the defacto complainant.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that based on the complaint given by the defacto complainant, the present case has been registered against the petitioner and the investigation is pending.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is 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, Ambattur, subject to the following conditions:

(i)the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.5 of 2020 on the file of the respondent police, within a period of two weeks from the date of receipt of a copy of this order;

(ii)On such deposit being made, the friend of the defacto complainant by name Jonny is permitted to withdraw the same by surrendering his RC book relating to the said vehicle;

(iii)On such surrender, the petitioner is permitted to take the RC book in his custody.

(iv)In respect of the vehicle belonging to the defacto complainant, the petitioner is directed to hand over the key of the said vehicle to the defacto complainant. The respondent police is directed to hand over the car to the Defacto Complainant after taking photograph.

(v)After complying with the aforesaid conditions, 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;

(vi)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate / Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(vii)the petitioner shall report before the respondent police for a period of two weeks daily at 10.30 a.m. and thereafter as and when required for interrogation.

(viii) the learned Judicial Magistrate, Ambattur shall obtain photograph of the car from the respondent police and secure the affidavit of undertaking from Defacto complainant.

(ix) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(x) the petitioner shall not abscond either during investigation or trial.

(xi) 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].

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

-sd/-

12/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T2 AMBATTUR ESTATE POLICE STATION,
CHENNAI DISTRICT-600 058.

CC to M/S.M.DURAIMURUGAN Advocate on payment of necessary charges Sr.2884

CRL OP.939/2020

Date :12/02/2020

RVR 13/02/2020

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