

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9820 of 2020

Sridhar

...Petitioner

/vs/

State rep. By

...Respondent

The Inspector of Police,
Nannilam Police Station,
Thiruvarur District,
(Crime No.431/2019)

Prayer: Criminal Original Petition has been filed under Section 438 Cr.P.C. to enlarge the petitioner on Anticipatory Bail in the event of petitioner's arrest by the respondent/complainant in pending investigation in Crime No.431 of 2019 on the file of the Inspector of Police, Nannilam Police Station.

For Petitioner : Mr.C.Arivazhagan

For respondent : Mr.Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant entrusted his TVS Jupiter bearing registration number TN 43 J 1989 for sale to the first accused. After receipt of the same, the first accused with the help of second accused/petitioner herein sold the said vehicle for a sum of Rs.40,000/- to the third accused. Thereafter, they failed to pay the sale consideration of the two wheeler to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A2. Even according to the case of the prosecution, the petitioner herein has helped the first accused to sell the vehicle. He would further submit that he has nothing to do with the sale proceeds and the sale proceeds have been received by the first accused. Further the first accused is concerned he was arrested and thereafter, released on bail. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that all the accused persons taken the two wheeler from the defacto

complainant and assured that the sale consideration will be paid to him. Thereafter, the accused persons sold the vehicle for Rs.40,000/-, but, failed to pay the sale consideration to the defacto complainant. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are totally 3 accused and the petitioner is arrayed as A2. According to the petitioner, the defacto complainant has entrusted the bike to the first accused and he sold the bike for a sum of Rs.40,000/-. In so far as the first accused is concerned, he was arrested and released on bail.

6. Considering the above fact and circumstances of the case, and also considering the fact that already the first accused was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees twenty Thousand only) to the credit of Crime No.431 of 2019, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned District Munsif cum Judicial Magistrate, Nannilam, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.20,000/- (Rupees twenty Thousand only) to the credit of Crime No.431 of 2019, within a period of two weeks from the date on which the order copy made ready

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., from 08.07.2020, for a period of two weeks and thereafter as and when required for interrogation.

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

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

-sd/-
01/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
NANILAM POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S D.MEENAKSHI SUNDARAM Advocate on payment of necessary charges

CRL OP.9820/2020

Date :01/07/2020

MN-MK-31/07/2020