



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

Date : 22/05/2020

WEB COPY

PRESENT

The Honble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5225 of 2020

Radhamathullah

... Petitioner/Accused 1

Vs

The State
The Inspector of Police,
Thachanallur Police Station,
Tirunelveli District.
Cr.No.61 of 2020..

... Respondent/Complainant

For Petitioner : Mr.A.S.Vaigunth,
Advocate.

For Respondent : Mr.S.Chandra Sekar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner on bail in the event of his arrest by the respondent police in connection with Cr.No.61 of 2020 pending on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 417 and 420 IPC, seeks anticipatory bail.

2. Heard both sides.

3. The case of the petitioner is that he along with two other accused sold a car bearing Registration No.TN 18 L 7520 to the defacto complainant, suppressing the fact that the said vehicle is involved in criminal case and subject matter of the case is pending in the Thachanallur Police Station in Crime No.120 of 2018 for the



offences under Sections 294(b), 323, 307 and 506(ii) IPC.

4. According to the petitioner, the alleged sale of the car to the defacto complainant occurred in the year 2018, whereas the present complaint is given only after 11 months, as if the vehicle was sold to the defacto complainant, claiming the vehicle belongs to the petitioner. In fact the the vehicle stands in the name of one Ramalingam, S/O. Narayanan and the petitioner has nothing to do with the vehicle or the said transaction to the defacto complainant.

5. The learned Additional Public Prosecutor appearing for the State would submit that the investigation reveals that the defacto complainant was made to believe by the accused persons that the car belongs to this petitioner. Hence, he is arrayed as the first accused. Since all the accused are absconding, the police is unable to proceed further, except seizing the vehicle, which is the subject matter of another criminal case, pending in Thachanallur Police Station.

6. Considering the rival submission, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing a own bond for a sum of Rs.25,000/- and further the petitioner shall execute two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the learned Judicial Magistrate No.IV, Tirunelveli, on or before 05.06.2020 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 report before the investigating officer 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]***; and;



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

sd/-
22/05/2020

WEB COPY

/ TRUE COPY /

/ /2020

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

TO

- 1 THE JUDICIAL MAGISTRATE NO IV
TIRUNELVELI
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
THACHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI..

ORDER
IN
CRL OP(MD) No.5225 of 2020
Date :22/05/2020

MYR
SRS/JC/SAR-III : 22/05/2020 : 3P/5C