



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5378 of 2020

1. A.Baskara Sethupathy
2. Pradeep @ Pradeep Kumar @
Pradeep Sethupathy ... Petitioners/Accused No.1&2

Vs

State Rep. by
The Inspector of Police,
K.Pudur Police Station,
Madurai City.
Cr No.361/2020. ... Respondent/Complainant

For Petitioners : Mr. T.Villavankothai,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.361 of 2020 on the file of
the respondent police

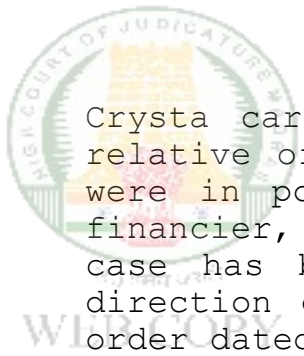
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 406,
420 and 506(i) IPC in Crime No.361 of 2020, seek anticipatory bail.

2. Heard both sides.

3. According to the petitioners, the subject vehicle ie., Innova

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



Crysta car was handed over to them by one Sivakumar, who is the relative of the defacto complainant. For the past 11 months, they were in possession of the said car by paying installment to the financier, believing the words of the said Sivakumar. However, this case has been registered by the respondent police based on the direction given by this Court in Crl.O.P.(MD)No.3865 of 2020 vide order dated 03.03.2020.

4.Submitting that they are innocent and ready to co-operate with the investigation, the petitioners are seeking anticipatory bail.

5.The learned Additional Public Prosecutor appearing for the State would submit that these petitioners have fraudulently taken away the said Car of the defacto complainant. Based on the direction given by this Court in Crl.O.P.(MD)No.3865 of 2020, this case has been registered and investigated. Though it is stated by the petitioners herein that the vehicle is involved in an accident, investigation reveals that the vehicle is given for maintenance repair to Annamalai Toyoto at Trichy. The police is taking all efforts to seize the vehicle for further investigation.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are 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 petitioners shall execute two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the Judicial Magistrate Court NO.VI, Madurai, on or before 05.06.2020 and on further condition that:

(a)the petitioners 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 petitioners shall report before the investigating officer daily until further orders for interrogation and hand over the vehicle to the investigating agency on their own;

(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]***; and;



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

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19/05/2020

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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 DISTRICT.
3. THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5378 of 2020
Date :19/05/2020

MYR
TE/JC/SAR-II : 19/05/2020 : 3P/5C