



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2020

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6737 of 2020

Prabu

... Petitioner/Accused No.1

Vs

The State Rep. by
The Sub Inspector of Police,
Keelasevalpatti Police Station,
Sivagangai District.
Cr.No. 117 of 2020..

... Respondent/Complainant

For Petitioner : M/s.Arun Swaminathan,
Advocate.
For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

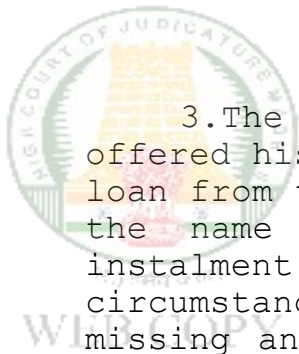
PRAYER :-

To grant an Anticipatory bail to the petitioner in the event of their arrest in Cr.No. 117 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 420 and 406 of IPC seeks anticipatory bail.

2. The peculiar case of the defacto complainant is that the earth mover Tata Hitachi was purchased by the defacto complainant in the name of the petitioner and due to some mis understanding the petitioner has stolen earth mover.



3.The detail of the complaint indicates that the petitioner has offered his name for purchase of Hitachi Earth Mover by undertaking loan from the ICICI bank and thereafter the vehicle was purchased in the name of the petitioner. However initial payment, monthly instalment was paid by the defacto complainant. In such circumstances all of a sudden on 04.03.2020 the vehicle was found missing and on enquiry he came to know that the petitioner herein along with others have taken the vehicle. However the petitioner who seeks anticipatory bail has stated that the vehicle was purchased by him in his name and it was lead to the defacto complainant on a specific understanding that he will pay the monthly due. Having failed to pay the monthly due, he took back the possession of the vehicle.

4. The learned Additional Public Prosecutor would submit that the defacto complainant has given details of payment towards the instalment remitted to the bank for loan extended by the petitioner which indicates substantial amount was paid by the defacto complainant.

5. It is now stated that the vehicle has been taken custody by the respondent police from the petitioner herein. In the said circumstances there is no impediment for granting anticipatory bail to the petitioner. Hence anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirupattur, Sivagangai District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 said Magistrate, 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] granting anticipatory bail will not entitle either the petitioner herein or the defacto complainant seeking interim custody of the vehicle till the investigation gets completed.

[c] the petitioner shall report before the respondent police as and when required for interrogation

[d] 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 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
THIRUPATTUR, SIVAGANGAI DISTRICT.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
KEELASEVALPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.6737 of 2020
Date :02/07/2020

AAV

TE/VR/SAR-III : 03/07/2020 : 3P/5C

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