



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7899 of 2020

T.Murugan

... Petitioner/Accused Rank No.1

Vs

The State Rep. by
The Sub-Inspector of Police,
Rameshwaram Town Police Station,
Ramanathapuram District
Cr.No. 234 of 2020.

... Respondent/Complainant

For Petitioner : M/s.P.R.Prithiviraj,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.234 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Totally there are 12 accused in this case. The petitioner is arrayed as accused No.1 in Crime No.234 of 2020, on the file of the respondent police for the offences punishable under Sections 417 and 420 of I.P.C.

2.The case of the prosecution is that the de-facto complainant's car was pledged in favour of A-1 for a sum of Rs.1,50,000/-. Thereafter, A-1 is said to have sold the car to A-4. When the de-facto complainant approached A-1 for redeeming the car, he refused stating that the car was sold to A-4. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner/A-1 sold the vehicle, which was pledged by the de-facto complainant to A-4, now the de-facto complainant repaid the pledged amount and the vehicle also recovered from the petitioner. He would further submit that the de-facto complainant has filed a petition seeking for return of vehicle.

5.Considering the facts and circumstances of the case and also considering the fact that now the car is recovered and the de-facto complainant said to have repaid the money to the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameshwaram, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 respondent police as and when required for interrogation;

(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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/08/2020

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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, RAMESHWARAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
RAMESHWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7899 of 2020
Date : 03/08/2020

SJI
TE/AKM/SAR-II : 07/08/2020 : 3P/5C