



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.9205 of 2020

D.Senthilkumar

... Petitioner/
Accused rank not known

Vs

The State rep. by
The Inspector of Police (Crime),
S.S.Colony Police Station,
Madurai City.
(Crime No. Not known of 2020).

... Respondent/Complainant

For Petitioner : M/s.M.Solaisamy,
Advocate.

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

For Intervener : Mr.C.Vakeeswaran,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No. Not known of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of I.P.C., in Crime No. Not known of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Chairman of M/s. Madras Security Services Private Limited. During the course of business, as per memorandum of understanding, the defacto complainant has handed over the two vehicles i.e., Ford Eco Sports Car and Bolero Pick-up van to the petitioner. Subsequently, after expiry of contract the petitioner has refused to hand over the pick-up Van. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that earlier, this Court directed the petitioner to hand over the vehicle to the defacto complainant. Admittedly, the vehicle belongs to the defacto complainant's company. Now, he stated that the vehicle was seized by the respondent police. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the vehicle was seized by the respondent police.

6. Considering the fact and circumstances of the case and submission made by the learned Government Advocate (criminal side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.V, Madurai, and on his executing 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 learned Magistrate concerned 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 respondent police 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/09/2020

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/ /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 NO.V,
MADURAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE (CRIME) ,
S.S.COLONY POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-6286[I] dated 07/09/2020)

ORDER
IN
CRL OP(MD) No.9205 of 2020
Date :07/09/2020

KSA
SRS/ VR/ SAR-III/ 10.09.2020/ 3P/6C