



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

Dated : 25/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL.O.P. (MD) . No.10361 of 2020

J.Maniraja

...Petitioner/Accused Rank Not Known

Vs

State represented through,
The Sub Inspector of Police,
Rameshwaram Town Police Station,
Ramanathapuram District.
(Crime No.234 of 2020).

...Respondent/Complainant

For Petitioner : Mr.P.R.Prithviraj,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime 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.5 in Crime No.234 of 2020, on the file of the respondent police for the offences punishable under Sections 417 and 420 of the Indian Penal Code.

2.The case of the prosecution is that the *defacto* 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 *defacto* 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 petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that now the de-facto complainant repaid the

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loan amount and the vehicle was also recovered from A-1 in this crime. 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 defacto complainant said to have repaid the money, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Rameshwaram, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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 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 petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/09/2020

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



TO

1.THE JUDICIAL MAGISTRATE, RAMESWARAM,
RAMANATHAPURAM DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE SUB INSPECTOR OF POLICE
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10361 of 2020
Date :25/09/2020

SML

PK/AKM/SAR-2/30.09.2020 : 3P/5C