



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10672 of 2020

1.Kadhar Batsha
2.Masilamani

... Petitioners/Accused
(Rank Not Known)

Vs

The State Rep. by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
Cr.No.1310 of 2020.

... Respondent/Complainant

For Petitioners: Mr.T.Lenin Kumar,
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.1310 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 420 and 511 IPC, in Crime No.1310 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant received a Whatsapp message from the first petitioner that he is doing a business of selling new Cars for cheap rate and if the complainant is intending to purchase any Car, he will arrange the same. Since the complainant doubted the first petitioner's words, he asked him to meet in person. Thereafter, on 17.09.2020, the 2nd petitioner introduced himself as he is the employee of the first petitioner and told that a new Fortuner Car worth about Rs.40,00,000/- is ready for sale for a sum of Rs.20,00,000/-. The



complainant having doubted the words of the petitioners, lodged a complaint against the petitioners.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners would submit that the complainant contacted the first petitioner through phone and made a proposal to purchase a Car for a sum of Rs.3,00,000/-. The complainant asked the first petitioner to send a person along with Car. Responding to the request of the complainant, the first petitioner sent the 2nd petitioner to show the Car to the complainant. On 17.09.2020, when the 2nd petitioner was showing the Car to the complainant there was a quarrel between them. Hence, the defacto complainant gave a complaint. He further submitted that the petitioners are innocent persons and they are no way connected to the alleged offence and hence he prayed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners have not cheated the defacto complainant and he only shown the Car to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Aranthangi, Pudukottai District, on condition that the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

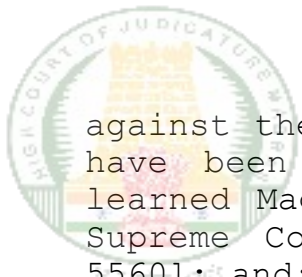
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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;

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

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01/10/2020

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

ORDER
IN
CRL OP(MD) No.10672 of 2020
Date : 01/10/2020

VSD
TE/AKM/SAR-IV : 08/10/2020 : 3P/5C