



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/10/2020

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PRESENT

The Hon'ble Mr. Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.11003 of 2020

Singaravelan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Fort Police Station,
Trichy, Trichy District.
(Cr No. 1368 of 2020).

... Respondent/Complainant

For Petitioner : M/s.P.Santhana Krishnan,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No. 1368 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 465 and 468 of I.P.C., in Crime No.1368 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has handed over his Innova car bearing Regn. No.TN-48-T-3333 to the petitioner to sell the same and the petitioner is having business of selling used cars. After receipt of the innova car, the petitioner has paid a sum of Rs.7 lakhs to the defacto complainant and without paying remaining amount of Rs.2.5 lakhs he sold out the car to the other person with forged signature of the defacto complainant and transfer the ownership of the car. 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 undertakes that, now, the petitioner is ready and will to pay the remaining amount of Rs.2,50,000/- (Two Lakhs Fifty Thousand Only) to the defacto complainant.

5. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

6. Considering the fact and circumstances of the case and considering the undertaken given by the learned counsel appearing for the petitioner, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Trichy, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten 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 is directed to pay the remaining sale consideration for a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) to the defacto complainant within a period of two weeks, failing which, the anticipatory bail granted to the petitioner shall stand cancelled automatically;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., without fail for a period of Two weeks and thereafter, as and when required for interrogation.

(d) the 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



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;

(g)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ 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 NO.I,
TRICHY.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
FORT POLICE STATION, TRICHY,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11003 of 2020
Date :08/10/2020

KSA
SRS/ AKM/SAR-IV/ 13.10.2020/ 3P/5C