



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

Date : 16/10/2020

PRESENT

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

CRL OP(MD). No.11071 of 2020

S.Soundrapandi

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
C3, S.S.Colony Police Station,
Madurai City.
Crime No.1851 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Deenadhayalan,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.1851 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 16.09.2020 for the offences punishable under Sections 379, 120B, 406, 420, 465 and 468 of I.P.C., on the file of the respondent police seeks bail.

2.The case of the prosecution is that one one Satheeshkumar borrowed a sum of Rs.2 Lakhs from the petitioner by pledging his car bearing Regn. No.TN58-AK-3519. When the said Satheeshkumar returned money and asking to return his car, the petitioner refused to hand over the same and also changed the Chassis, Engine number and also registration number and sold out through OLX to the defacto complaint. After purchasing the said car, the defacto complainant found that the engine and chassis number and also registration number were changed by the vendor. Hence, Complaint.



3.The learned counsel for the petitioner would submit that the petitioner never sold out any car to the defacto complainant and he had absolutely no knowledge about the change of Engine, Chassis number as well as registration number. He would further submit that he sold out the car through OLX for valid sale consideration inturn the company concerned made corrections and as such the petitioner is no way connected with the allegations as alleged by the prosecution. However, the petitioner was arrested remanded into judicial custody on 16.09.2020.

4. The learned Government Advocate(Crl.Side) would submit that the car belongs to one Satheesh kumar and the said Satheeshkumar borrowed a sum of Rs.2 lakhs from the petitioner by pledging his car. He would further submit that after repaying the entire amount, the petitioner refused to return the car. He would further submit that the said Satheeshkumar came to know that the Chassis number and Engine and Registration number were changed and sold the same to the defacto complainant.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter, as and when required for interrogation;

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/10/2020

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WEB 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 V, MADURAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
C3, S.S.COLONY POLICE STATION,
MADURAI CITY.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11071 of 2020
Date :16/10/2020

KSA
TK/PN/SAR.3/16.10.2020/3P/6C