



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17019 of 2021

MURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
B4-BALUCHETTYCHATRAM POLICE STATION,
KANCHIPURAM DISTRICT.
(CR.NO. 946/2021)

[RESPONDENT]

For Petitioner : M/S. D.K.NEPOLEAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 465, 468, 408 342 and 506(i) of I.P.C in Cr.No.946 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein had bought a car namely Mahindra XUV 500 from the De-facto Complainant's car showroom which is worth of Rs.20,44,893/- and out of the said amount the petitioner had paid a sum of Rs.1,00,000/- as cash and Rs.14,51,975/- through bank loan to the De-facto Complainant. The balance amount of Rs.4,92,918/- was not paid by the Petitioner to the De-facto Complaint and the said car has not yet been registered. When the De-facto Complainant questioned about the balance amount, there was no proper reply from the petitioner. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to pay a balance amount of Rs.4,92,918/- to the De-facto Complaint and this Court may issue direction to the De-facto Complainant to register the said car after the payment of balance amount. Hence prays for grant of anticipatory bail.



4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there are no previous cases against the petitioner.

5. Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioner that he would pay the balance amount to the De-facto Complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Kancheepuram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non refundable deposit of Rs.4,92,918/- (Rupees Four Lakhs ninety two thousand nine hundred and eighteen only) by way of Demand draft in favour of De-facto Complainant, who in turn, shall register the said car in the Regional Transport Office concerned, without prejudice to his defence before the trial Court and the concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;

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

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

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

-sd/-
17/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
B4-BALUCHETTYCHATRAM POLICE STATION,
KANCHIPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. D.K.NEPOLEAN Advocate on payment of necessary charges SR.NO.10254

CRL OP.17019/2021

Date :17/09/2021

CSK 06/10/2021