



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20753 of 2021

1 PRABHU

[PETITIONERS / ACCUSED]

2 RAJA

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.649/2021.

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : M/S.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 IPC, in Crime No.649 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the vehicle bearing registration No.TN 33 AQ 0123 INNOVA car and another called up on 27.09.2021 to drop six persons. Later the defacto complainant informed that before 2 1/2 years he had taken the car from a finance company for Rs.6,20,000/- and paid an advance of Rs.2,70,000/- and he asked the original RC Book from the finance company they did not give it and he did not pay the balance amount and later he came to know that the car was involved in a crime case. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are an innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the vehicle was seized, they are the employers of the Surya Finance company. As per the contention of the prosecution that the vehicle is involved in another crime number, since they are employed in the car finance company and there is a proposal for settlement of compromise on the subject of the finance company. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact, 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 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 Court, Dharapuram**, on condition that the petitioners shall execute 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 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) the petitioners and 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;

(b) the petitioners shall appear before the respondent police on every Tuesday and Friday at 10.30 a.m until further orders;

(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;



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

-sd/-
12/11/2021

WEB COPY

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,
DHARAPURAM, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges SR.NO.12740

CRL OP.20753/2021

Date :12/11/2021

TA-18/11/2021