



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9304 of 2021

Paulraj

... Petitioner/Accused No.2

Vs

The State Rep.by,
The Inspector of Police,
Alwar Thirunagari Police Station,
Thoothukudi District
(Crime No. 107 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.D.Ganeshamoorthi,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No. 107 of 2021 on the file of
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
406,417,341,294(b) and 506(ii) of IPC, in Crime No.107 of 2021 seeks
anticipatory bail.

2.The case of the prosecution is that the defacto complainant
owns a vehicle bearing Reg.No. TN 69 U 0912 and he decided to sell
the said vehicle. One Kannan and Balraj came forward to sell it for
commission. On 10.10.2020 they wanted the vehicle for showing to the
buyer. Thereafter they did not return the vehicle , even after
several days. They informed him that one Murugan purchased the
vehicle for Rs.1,20,000/-. However they did not pay the money
to the defacto complainant. When the defacto complainant demanded
the money, they scolded him in filthy language . On 26.06.2021 at
5.00 in the morning when he was going for walking, the accused waylaid,



scolded him in filthy language and criminally intimidated him. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that A1 in this case was arrested and released on bail. It is his submission that the petitioner has not received any amount and the first accused has only received the amount and he is no way involved in the alleged selling of the vehicle.

4.The learned Government Advocate (Crl.side) for the respondent would submit that the investigation has been completed and the final report has been filed before the concerned Court.

5.Taking into consideration the facts and circumstances of the case and the fact that A1 was arrested and released on bail and the fact that final report has been filed before the Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District on condition that the petitioner 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 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 shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioner 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 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]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/07/2021

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/ /2021

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,
SRIVAİKUNDAM,
THOOTHUKUDI DISTRICT.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALWAR THIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-4630[I] dated 16/07/2021)

ORDER
IN
CRL OP(MD) No.9304 of 2021
Date :16/07/2021

AAV
RT/JC/SAR-II/20.07.2021/3P/6C