



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2021

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PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9762 of 2021

Nareshkumar ... Petitioner/Accused No.1

Vs

The State Rep.by,
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District
Crime No.43/2021.

... Respondent

For Petitioner : Mr.R.Vinoth Bharathi,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.43/2021 on the file of the Respondent Police

ORDER :The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468 and 471 of IPC, in Crime No.43 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with two others had approached the de-facto complainant in the year 2017 for borrowing loan, for which, the petitioner has mortgaged his car documents. Thereafter, the de-facto complainant has sanctioned a sum of Rs.4,90,000/- to the petitioner. Eventhough the petitioner did not paid the monthly due, he cancelled the endorsement of the de-facto complainant and sold out the said car to the third party. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

<https://hcservices.courts.gov.in/hcservices/> 4.The learned Additional Public Prosecutor appearing for the



respondent police strongly opposed this petition on the ground that investigation in this case is not completed.

5.Considering the facts and circumstances of the case and the fact that the co-accused had already been arrested and released on bail, 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 No.II, Nagercoil, Kanyakumari 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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.43 of 2021 before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, within a period of one year without prejudice to his defence before the trial Court. If the petitioner is absconded in the meanwhile, the said amount deposited before the trial Court will be forfeited to the bank concerned by the orders of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District;

[c]the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[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 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]**.



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

sd/-
22/07/2021

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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 NO.II,
NAGERCOIL,
KANYAKUMARI DISTRICT.
- 2.-DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VADASERI POLICE STATION,
KANYAKUMARI DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9762 of 2021
Date :22/07/2021

SJI
RT/JC/SAR-IV/26.07.2021/3P/5C