



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

Date : 01/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.15397 of 2021

WEB COPY

A.Solaiyappan

... Petitioner/Accused No.1

Vs

The State Rep.by

The Inspector of Police,

Jembunathapuram Police Station,

Trichy District.

Cr.No.280 of 2021.

... Respondent

For Petitioner : Mr.Lajapathi Roy.T,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

For Intervener : Mr.T.M.Madasamy, Advocate.

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

PRAYER :-

For Anticipatory bail in Cr.No.280 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 427 and 379 of IPC, in Crime No.280 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and his sister are operating a petrol bunk in Thuraiyur Taluk, the petitioner and other accused persons trespassed into the said bunk and caused damages and stolen the defacto complainant's Car bearing Registration No.TN-46-M-5740 Red Colour Huyndai EON. Hence the case has been registered.

3.The learned counsel for petitioner submitted that the petitioner's wife and the de-facto complainant's sister had entered into a sale agreement for petrol bunk for a consideration of Rs.1,35,00,000/- on 15.07.2019 and the petitioner's wife paid sofar Rs.93,00,000/-. A sum of Rs.75,00,000/ was paid through bank and the remaining sum of Rs.10,00,000/- was paid by cash. But due to pandemic, the petitioner's wife failed to pay the rest of the amount and sought time to pay rest of the amount. But the de-facto



complainant and his family members suppressing the entire facts, filed a petition for police protection and obtained an order behind the petitioner. The petitioner's wife filed a review application in Crl.O.P(MD)No.12519 of 2020 and it was allowed and cost of Rs.10,000/- was imposed on the defacto complainant's family persons.

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4.He further submitted that subsequent to that a compromise was arrived between the parties. As per memo of compromise, the first and second petitioners have agreed to pay a sum of Rs.75,00,000/- (Rupees Seventy Five lakhs only) to the de-facto complainant. After the aforesaid compromise, the petitioner had taken away the Hyundai EON Car bearing Registration No.TN-46-M-5740.

5.Considering the rival submission made, this Court by earlier order, directed the respondent to file a report before this Court. The learned Government Advocate (Crl.side) filed the report of the Inspector of Police, Jambunathapuram Police Station, Trichy District and submitted that the subject Car Hundai EON TN-46-M-5740 is recovered and it is now available in the District Crime Branch.

6.Considering the facts and circumstances of the case and considering the said submission on behalf of the respondent police, that the Car has been recovered, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is allowed and 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, Thuraiyur, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before respondent police as and when required for interrogation;

[c]the petitioner shall not tamper with the 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/-
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

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, Thuraiyur,
Trichy District.
2. -do-Through The Chief Judicial Magistrate,
Trichy District.
- 3.The Inspector of Police,
Jembunathapuram Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.15397 of 2021
Date :01/11/2021

RD/CN/SAR-I(17.11.2021) 3P 5C