



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

Date : 14/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17276 of 2021

Subramani

... Petitioner/Accused(Sole)

Vs

The State rep.by
The Inspector of Police,
Theni Police Station,
Theni District.
Crime No. 833 of 2021

... Respondent/Complainant

For Petitioner : M/s.SENTHIL KUMAR.J, Advocate.

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

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

PRAYER :- For Anticipatory bail in Crime No.833 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police, in connection with the case in Crime No.833 of 2021, for the offence punishable under Sections 468, 471, 406 and 420 IPC, seeks anticipatory bail.

3.The case of the prosecution is that on secret information, the defacto complainant sold his vehicle to the petitioner, which was purchased by the defacto complainant from Mahendra Finance. After purchasing the vehicle, the petitioner has to pay the EMI. But the petitioner failed to pay the amount to the Finance Company and when the same was questioned by the defacto complainant, it came to know that the petitioner sold the said vehicle to one Murugan. Hence, the complaint.

4. This petitioner moved anticipatory bail earlier, and this Court granted interim protection and on obtaining the interim protection from this Court, the petitioner failed to report before the respondent police for enquiry. Considering the conduct of the petitioner, the earlier petitioner was dismissed on 04.10.2021.

5.Now, the learned counsel appearing for the petitioner submits that this is the second petition, for anticipatory bail. He further submits that the petitioner and the defacto complainant has been



amicably settled the issue and compromise memo has also been filed before this Court to that effect.

6.The learned Government Advocate has also conceded the same.

7.Recording the said submission made on behalf of the petitioner and taking into consideration of the compromise memo so filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8.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 Court, Theni on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge 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.

[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/-

14/12/2021

/ TRUE COPY /

/ /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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 cc to Mr.J.SENTHIL KUMAR, Advocate, SR.No.9211

ORDER

IN

CRL OP(MD) No.17276 of 2021

Date :14/12/2021

SA/PN/SAR.2/21.12.2021/3P/6C