



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

Friday, the Tenth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.19017 of 2021

THANGAVEL

... PETITIONER/ACCUSED-2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KEERAITHURAI POLICE STATION,
MADURAI CITY.
(CR.NO.900 OF 2021)

... RESPONDENT/COMPLAINANT

K.RAMASAMY

... INTERVENER

For Petitioner : Mr.S.Baskar Mathuram for
MATHURAM LAW ASSOCIATES
For Respondent : Mr.SS.Madhavan
Government Advocate (Crl.Side)
For Intervenor : Mr.R.Venkateswaran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.900 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 offences punishable under Sections 406 and 420 of IPC, in Crime No.900 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that one Shyam @ Samsonpaul had sold the defacto complainant's car illegally to the petitioner and the petitioner in turn had sold the car to a third party. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is only a bonafied purchaser of the car.

4.Heard the learned Government Advocate appearing for the respondent Police and the learned counsel appearing for the

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intervenor.

5. After hearing the learned counsels, it appears that the first accused is the culprit in this case. This petitioner appears to be a bonafide purchaser, who purchased the car from A1. Now, the car has been seized and stationed. An officer from the respondent Police is also present. He would submit that this petitioner has no connection with the offence that has been committed by A1 and he is only a bonafide purchaser. The grievance expressed by the defacto complainant is that this petitioner should not claim any right over the car, even though he is the bonafide purchaser of the car. This petitioner can recover the amount paid to A1 through appropriate proceedings. The defacto complainant should not be affected by the purchase made by this petitioner. During the proceedings which has been undertaken under Section 451 of the Code of Criminal Procedure, the trial Court may also take this aspect into account.

6. Considering the fact that this petitioner is only a bonafide purchaser, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the Judicial Magistrate No.IV, Madurai and on his executing 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 Magistrate concerned; and the petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed. The connected Miscellaneous Petition is closed.

sd/-
10/12/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
 - 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KEERAITHURAI POLICE STATION,
MADURAI CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MATHURAM LAW ASSOCIATES Advocate SR.No.9158

+1. CC to M/S.R.VENKATESWARAN Advocate SR.No.9208

ORDER
IN
CRL OP(MD) No.19017 of 2021
Date :10/12/2021

RS/JM/SAR2(16.12.2021) 3P-7C