



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.12245 of 2022

ANBU SUNDARAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
F3-ARAMBAKKAM POLICE STATION,
GUMMIDIPOONDI, THIRUVALLUR 601 201.
CR.NO. 57 OF 2022.

[RESPONDENT]

For Petitioner : M/S. S.SASIKUMAR Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

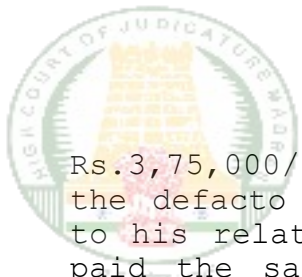
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 420, 406 and 506(ii) of IPC in Crime No.57 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's friends namely Venkatesh and Kumar represented that Venkatesh's Uncle Sekar was having a swift desire car bearing registration No.TN 20 CQ 2830 and he is unable to pay the loan installment hence the petitioner requested to pay a sum of Rs.70,000/- and thereafter to continue the installment amount and this petitioner accepted and paid Rs.70,000/- to Venkatesh thereafter, from 03.04.2020 to December 2021 this petitioner has paid total sum of Rs.3,75,000/- to the Venkatesh and Kumar and various dates to pay the installment, whereas the Venkatesh and Kumar has not paid the installments and they also cheated the initial amount of Rs.70,000/-. Hence, the complaint.

3. Learned counsel for the petitioner further submits that, the defacto complainant leased out his car bearing registration No. TN 20 CQ 2830 in favour of the petitioner for rent. Thereafter, the petitioner failed to pay any rent and also refused to return the car. According to the petitioner, the petitioner purchased the said car from the defacto complainant for total consideration of



Rs.3,75,000/-, in which he paid a sum of Rs. 70,000/-. Thereafter by the defacto complainant, he paid he paid balance sale consideration to his relatives one Venkatesh and one Kumar. In turn they have not paid the said amount to the defacto complainant. However, without prejudice to the rights of defence, the petitioner is ready to pay a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) directly to the defacto complainant within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned District Munsif Cum Judicial Magistrate, Gummidipoondi 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, failing which, the petition for anticipatory bail shall stand dismissed 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 pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) directly to the defacto complainant, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.



[g] 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].

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

-sd/-

20/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMIDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
F3-ARAMBAKKAM POLICE STATION,
GUMMIDIPOONDI, THIRUVALLUR 601201.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.SASIKUMAR Advocate on payment of necessary charges
Sr.7706

CRL OP.12245/2022

Date :20/05/2022

RVR 25/05/2022