



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12479 of 2022

RATHINAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ACHIRAPAKKAM POLICE STATION,
CHENGALPATTU DISTRICT.
(CR.NO.173/2022)

[RESPONDENT]

For Petitioner : M/S. G.MAHESH KUMAR Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 379 of IPC, in Crime No.173 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioner and the defacto complainant with regard to the non payment of the rental bills for the vehicle BOLERO Jeep bearing No.TN 18 AP 4388 intially. Thereafter, when the petitioner had questioned the defacto complainant, there was a wordy quarrel between them. Further, the vehicle BOLERO Jeep bearing No.TN 18 AP 4388 was detained by the petitioner in limine.

3. The learned counsel for the petitioner fairly submitted that they will produce and hand over the BOLERO Jeep bearing No. TN 18 AP 4388 to the defacto complainant and the defacto complainant, to pay his dues and will take appropriate action for recovery of dues.



4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondent.

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5. Considering the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 on which the order copy made ready, before the learned Judicial Magistrate II, Madurantakam, on conditions that the petitioner shall hand over the BOLERO Jeep bearing No. TN 18 AP 4388 to the defacto complainant and 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 petitions for anticipatory bail shall be 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

26/05/2022

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 JUDICIAL MAGISTRATE-II,
MADURANTAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ACHIRAPAKKAM POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.MAHESH KUMAR Advocate on payment of necessary charges SR.No.7898

CRL OP.12479/2022

Date :26/05/2022

CSK 27/05/2022