



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.12463 of 2022

1 VASUDEVAN
2 KAPIL DEV

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM DISTRICT
(CRIME NO.120/2020)

[RESPONDENT]

For Petitioner : M/S.M.GURUPRASAD Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 406 and 506(1) of IPC, in Crime No.120 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The petitioners had rented his milk tanker vehicle on rental basis from the defacto complainant and thereafter, they handed over the vehicle back to the defacto complainant. There is some dispute with regard to the payment of rental for which false case has been registered against them. He further submitted that the occurrence had taken place in the year 2017 and the complaint was lodged and closed. Thereafter, the defacto complainant filed 156(3) petition before the learned Judicial Magistrate No.II, Salem and FIR got registered on 07.02.2020. The petitioners had appeared before the respondent police and gave explanation. It was initially accepted and now they apprehended arrest and seek anticipatory bail.

3.The learned Government Advocate (Criminal Side) appearing for the respondent submits that the vehicle of the defacto complainant is yet to be handed over. He submitted that the case has been registered on the direction of the Judicial Magistrate No.II, Salem on 13.01.2022.



4. Heard the submissions made by the learned Counsel appearing for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent.

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5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioners are 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, Salem, on condition that each of 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 dismissed and on further condition that:

(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges
Sr.7963

CRL OP.12463/2022

Date :26/05/2022

RVR 27/05/2022