



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 17/08/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.2078 of 2022

WEB COPY

A.M.Raja

... Petitioner/Accused No.2

Vs.

State rep. By
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.38 of 2022)

... Respondent/Complainant

2.Vivek

(R2 is Suo Motu impleaded as per
order of this Hon'ble Court dated
07.03.2022 in CRL OP(MD).2078/2022
BY KMSJ)

... 2nd Respondent/Defacto Complainant

For Petitioner : M/s.P.Yasmin Begum, Advocate
For 1st Respondent : Mr.P.Kottai Chamy
Government Advocate (Criminal side)
For 2nd Respondent : No appearance

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

PRAYER:- For Anticipatory Bail in Crime No.38 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A2 apprehending arrest at the hands of the respondent police for the alleged offences under sections 406 and 420 IPC, in Crime No.38 of 2022 seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that he sold the Car bearing registration No.TN-22-DH-6723 for the loan amount of Rs.2,00,000/- to one Rajmohan on condition that he must pay the monthly instalment to the Finance Company namely Sundaram Finance Limited. But later, the above said Rajmohan failed to pay the amount and also failed to pay the instalment amount. Action was initiated against him by the above said Finance Company. On enquiry, it came to his knowledge that the above said Rajmohan died. It was also revealed that the wife of the above said Rajmohan and Rajmohan himself pledged the Car to one A.M.Raja. He contacted the above said A.M.Raja to return the vehicle after receiving amount. The above said A.M.Raja demanded Rs.2 or 3



lakhs for the purpose of recovery of the above said Car on the basis of the complaint given by the de-facto complainant, the present case has been registered.

3. Now seeking anticipatory bail, the above said A.M.Raja, who is arrayed as A2 filed this petition on the ground that the above said Rajmohan purchased the Car from the de-facto complainant for hiring. There was a trouble between the de-facto complainant and the above said Rajmohan and he only compromised the matter between them. The above said Rajmohan agreed to pre-close the loan within certain period. But unfortunately the said Rajmohan died. Except that, he is not involved.

4. So whether the above said Rajamohan purchased the vehicle from the de-facto complainant, is a matter for investigation and the respondent police may also investigate whereabouts of the above said Car.

5. Let the petitioner may appear before the respondent and co-operate him for investigation with regard to the custody of the Car. Even though, notice was ordered to the de-facto complainant, he failed to appear for making out a compromise.

6. In view of the above facts, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Papanasam, Thanjavur district 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 learned Judicial Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.00 am, until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-

17/08/2022

/ TRUE COPY /

/09/2022

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.



To

1 THE JUDICIAL MAGISTRATE, PAPANASAM, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/S.P.YASMIN BEGUM, Advocate (SR-38717[F] dated 18.08.2022)

ORDER

IN

CRL OP(MD) No.2078 of 2022

Date :17/08/2022

er

RS/SVR/SAR.4 (05.09.2022) 3P-6C