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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2457 of 2022

Kalirajan @ Kaliraj

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Jaihindpuram Police Station (Crime),
Madurai District.
(Crime No.59 of 2022)

... Respondent/Complainant

For Petitioner : M/s.S.Poornachandran, Advocate.

For Respondent : M/s.R.Sivakumar,
Government Advocate (Crl. Side)

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

PRAYER :-

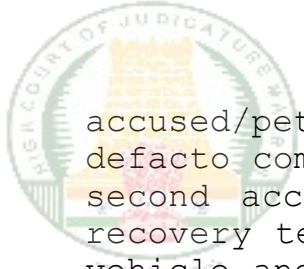
For Anticipatory Bail in Crime No.59 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC, in Crime No.59 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed loan from the finance company for purchasing a two wheeler and the petitioner is working as a manager in the said company. On 14.04.2021, the defacto complainant's vehicle was stolen by the petitioner's company officials. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the second accused is the finance company and the first



accused/petitioner is the Manager of the said company, that the defacto complainant has purchased the vehicle availing loan from the second accused, that since he had not paid the loan amount, the recovery team of the second accused has taken the possession of the vehicle and that since the defacto complainant being an Advocate has filed a complaint before the jurisdictional Magistrate and only on the basis of the endorsement order passed by the jurisdictional Magistrate, FIR came to be registered.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the recovery team of the second accused has taken the vehicle, since the defacto complainant had committed default in paying the EMI, agreed to be paid by him to the second accused.

5.Considering the nature of charges levelled against the petitioner and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Madurai, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar 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 thirty (30) days and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
01/03/2022

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/ /2022

Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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 NO.IV,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION (CRIME),
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2457 of 2022
Date :01/03/2022

SP/PN/SAR IV/04/03/2022/3P/5C