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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4039 of 2022

Karthikumar

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
(Crime No.1253 of 2021).

... Respondent/Complainant

Mahendran

... Petitioner/Intervener
(in Crl.MP (MD)No.4376/2022)

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

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Intervenor : Mr.D.Venkatesh.

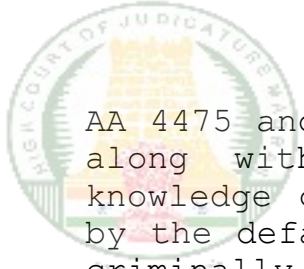
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.1253 of 2021 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 offences punishable under Sections 120 B, 294(b), 406, 417, 420 and 506(1) IPC, in Crime No.1253 of 2021, on the file of the respondent police, seeks anticipatory bail.



AA 4475 and promised to return the vehicle within two days, but, A1 along with this petitioner/A2 mortgaged the Car without the knowledge of the defacto complainant, when the same was questioned by the defacto complainant, the accused persons abused him and also criminally intimidated him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4.When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the State would submit that the defacto complainant's Car has been recovered yesterday (i.e, on 18.04.2022) and they are going to produce the same before the jurisdictional Court tomorrow (i.e., on 20.04.2022).

5.Considering the facts and circumstances of the case and also considering the facts that the Car has been recovered and that the petitioner is not having any previous case, 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, Oddanchatram, 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 am for a period of one month, 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/-
19/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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, ODDANCHATRAM.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGULL DISTRICT.
3. THE INSPECTOR OF POLICE,
ODDANCHATRAM POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAMSUNDARVIJAYRAJ.S. Advocate SR.No.3518

ORDER
IN
CRL OP(MD) No.4039 of 2022
Date :19/04/2022