



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 24/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4523 of 2022

C.Gokul,

... Petitioner/Accused No.1

Vs

THE STATE REP BY,  
The Inspector of Police,  
Cantonment Police Station,  
Trichy City.  
In Crime No.280/2022.

... Respondent/Complainant

For Petitioner : Mr.M.Maran,Advocate.

For Respondent : Mr.R.Sivakumar,  
Government Advocate (Crl.Side)

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

PRAYER :-

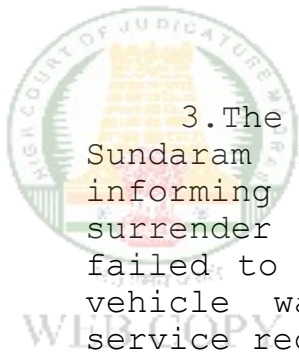
For Anticipatory Bail in Crime No.280 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 323, 342, 364 A and 506(1) IPC, in Crime No.280 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has purchased a car bearing Registration No.TN 45 BR 8156 through credit facility from Sundaram Finance. Thereafter, he paid one month installment on January 29 and due to Covid -19 Pandemic, he could not pay the monthly installments. Therefore, on 03.03.2022, the petitioner along with some other persons came to the defacto complainant's house and asked the RC Book, the defacto complainant's son gave the RC Book to the petitioner, that thereafter, when the defacto complainant's son and his sister's son took the Car outside from his house, the petitioner along with other persons waylaid them, threatened them and took the Car along with them and they were

<https://hcjudgements.org.in/hcServer/Service/Reports/CaseReports.aspx>



3.The learned counsel for the petitioner would submit that Sundaram Finance Company has issued notice to the guarantor informing about their non-payment of the loan and directed them to surrender the vehicle in question, but the defacto complainant failed to comply with the terms of the notice and thereafter, the vehicle was seized through M/s.Harita Receivables collection service recovery agency.

4.When the matter is taken up for hearing today, the respondent Police has submitted a report wherein it has been stated that the occurrence, alleged by the defacto complainant, has not taken place, but without following the procedures contemplated, the vehicle was seized.

5.The learned Government Advocate (Criminal Side) would submit that the vehicle is now in Police custody and that they are going to produce the same before the concerned Court.

6.Considering the nature of charges levelled against the petitioner and also considering the facts that no one was injured in this incident and that the petitioner is not having any bad antecedents as stated by the learned Government Advocate(Criminal Side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

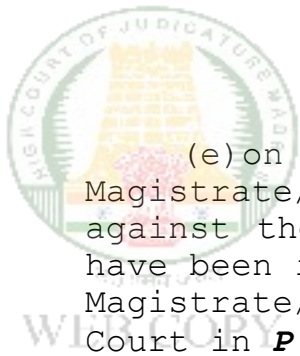
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Trichy, on condition that the petitioner shall execute a bond for a 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 learned 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 06.00 pm, 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]***; and;

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

sd/-  
24/03/2022

/ TRUE COPY /

/ /2022  
Sub-Assistant Registrar (C.S.)  
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 NO.II,  
TRICHY
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE  
CANTONMENT POLICE STATION,  
TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADRURAI.

1 CC to M/s.M.MARAN, Advocate ( SR-2435[I] dated 24/03/2022 )

ORDER  
IN  
CRL OP(MD) No.4523 of 2022  
Date :24/03/2022

PKP/SBN/SAR-1/29.03.2022/3P/6C

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