



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

Date : 18/05/2022

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9344 of 2022

1. C.Manikandan,

2. K.Sudhakar @ K.Sudhakaran,

3. N.Vivekandan,

... Petitioners/Accused Nos. 1 to 3

Vs

THE STATE REP BY,
The Inspector of Police,
Jeeyapuram Police Station,
Trichy District
(Crime No. 132 of 2022).

... Respondent/Complainant

For Petitioner : Mr.B.Janarth Kumar, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 132 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.132 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the employees of M/s.Cholamandalam Investment and Finance Company Limited. The defacto complainant obtained vehicle loan from the said Company for purchasing two vehicles namely JCB and a tipper lorry for a sum of Rs.20,00,000/- and he has repaid a sum of Rs.3,20,000/-, Rs.5,02,000/- and Rs.76,000/-. However, the accused persons theft his lorry. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that since the defacto complainant has not repaid the loan amount, the petitioners have seized the vehicle.



4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties, in which, one surety should be bank surety, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the respondent police on every Saturday at 10.30 a.m, for a period of three months and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with the 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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



ssb

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.III
TRICHY.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.JANARTH KUMAR,Advocate (SR-4834[I] dated 19/05/2022)

ORDER

IN

CRL OP(MD) No.9344 of 2022

Date :18/05/2022

PKP/VR/SAR-1/23.05.2022/3P/6C