



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17040 of 2022

M.Pari

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
in Crime No.348/2022.

... Respondent/Complainant

For Petitioner : M/s.Mohan.A,
Advocate.

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

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

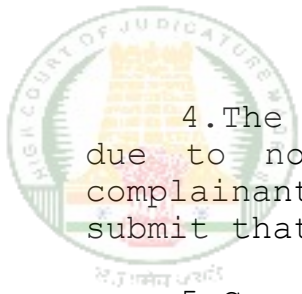
PRAYER :-For Anticipatory Bail in Cr No.348/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC, in Cr.No.348 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 01.08.2022, the petitioner made a phone call to the complainant and threatened her to pay EMI amount and also abused her in filthy language. Further, on 06.09.2022, the de-facto complainant's two wheeler was found missing along with valuable articles. Over which, the present case has been registered against the petitioner.

3.The learned counsel for the petitioner would submit that due to non-payment of EMI, the vehicle was seized by the petitioner. He would further submit that now the seized vehicle is in the custody of the respondent police and no valuable article was found in the alleged vehicle.



4.The learned Government Advocate(Crl.Side) would suk at due to non-payment of EMI, the petitioner seized the de-facto complainant's vehicle without her knowledge. He would further submit that the vehicle was recovered.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, 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 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.I, Pudukkottai, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/09/2022

/ TRUE COPY /

/10/2022

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 NO.I,
PUDUKKOTTAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
PUDUKKOTTAI TOWN POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.A.MOHAN, Advocate (SR-10520[I] dated 26/09/2022)

ORDER

IN

CRL OP(MD) No.17040 of 2022

Date :22/09/2022

SJI

MK/SBN/SAR.I/30.09.2022/3P/6C