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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.20384 of 2022

Selvan

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(Crime No.273/2022).

... Respondent/Complainant

For Petitioner : M/s.Raamkrishnan Ka,
Advocate.
For Respondent : MR.A.ALBERT JAMES,
Government Advocate(Crl.Side)

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

PRAYER :-For Anticipatory Bail in Cr No.273/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 420, 409, 294(b), 323, 379 and 506(ii) IPC in Crime No.273 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that he had purchased a Car in the year 2018 after obtaining a Bank loan, due to the loss in his business, he was not able to pay the money and thereby, he had handed over the vehicle to the accused for running the same and to pay the due amounts to the Bank. Later, when the defacto complainant demanded the Car, it was found that some parts of the car was missing. Hence, the complaint.

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

<https://www.mhc.tn.gov.in/judis>



the petitioner had already repaid the loan amount and he had handed over the Car back to the defacto complainant and there were no repairs in the vehicle and hence, a false complaint has been given against the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner has taken a car of the defacto complainant on promising to pay the loan amount. Later, when the defacto complainant demanded the accused to return back the vehicle, he has taken the crucial parts of the vehicle and cheated him and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made by the learned counsel appearing on either side and also taking into consideration the facts and circumstances of the 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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 a.m., for a period of two weeks and thereafter, once in a week i.e., on every Saturday 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].



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



sd/-
08/12/2022

/ TRUE COPY /

/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RAAMKRISHNAN KA, Advocate (SR-14697[I] dated
12/12/2022)

ORDER
IN
CRL OP(MD) No.20384 of 2022
Date :08/12/2022

TRP
MK/SSS/SAR 2/19.12.2022/3P/6C