



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20828 of 2022

Sivaraman ... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Nagamalai Pudhukottai Police Station,
Madurai District.
(Crime No.345 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Devasenar J,
Advocate.

For Respondent : Mr.E.Antory Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

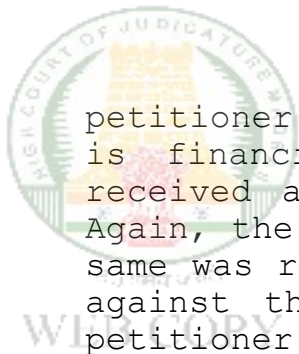
For Anticipatory Bail in Crime No.345 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC, in Cr.No.345 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 16.10.2022, at about 11.30 p.m, the defacto complainant parked the innova car bearing Reg.No.TN-05-AD-1533 in front of his Travels Office. Thereafter, he went to his house. On 17.10.2022, at about 07.00 a.m, he came to the office and found that the Car was missing. Based on the complaint, enquiry was conducted. On enquiry, it was found that the petitioner along with other accused took away the Car. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the



petitioner and the defacto complainant are close friends & there is financial transaction between them. The defacto complainant received a sum of Rs.1 lakh by giving the said Car as security. Again, the defacto complainant demanded a sum of Rs.1 lakh. When the same was refused by the petitioner, this false case has been lodged against the petitioner. No previous case is pending against the petitioner and the co-accused were released on bail by the lower Court. Further, the Car was recovered. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the totally 4 accused are involved in this case. The petitioner was arrayed as A1. The property was recovered. No previous case is pending against the petitioner and the co-accused were released on bail by the lower Court. However, the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused were released on bail, the property was recovered and no bad antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners 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 Court No.6, Madurai, 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 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/-

24/11/2022

/ TRUE COPY /

/12/2022

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

DSS

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 COURT NO.6, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
NAGAMALAI PUDHUKOTTAI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.J.DEVASENAN, Advocate (SR-13768[I] dated 25/11/2022)

ORDER

IN

CRL OP(MD) No.20828 of 2022

Date :24/11/2022

RK/SSS/SAR-1 (05/12/2022) 3P/6C