



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

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). Nos.2663 and 1737 of 2022

A.Sasikumar ... Petitioner / Accused No.3
in Crl.O.P.(MD)No.2663 of 2022

2.P. Mohan ... Petitioner / Accused No.4
in Crl.O.P.(MD)No.1737 of 2022

[Amended vide order dated 10.02.2022 in Crl.M.P.(MD)No.2256 of 2022]

Vs

The State represented by
The Inspector of Police,
District Crime Branch(DCB),
Virudhunagar District.
(Crime.No.01 of 2022.)

... Respondent / Complainant
in both petitions

For Petitioner (in Crl.O.P.(MD)No.2663 of 2022)
: M/s.Gopalan Ak., Advocate.

For Petitioner (in Crl.O.P.(MD)No.1737 of 2022)
: Mr.S.Saravagan Prabhu, Advocate.

For Respondent (in both petitions)
: Mr.R.M.Anbunithi,
Additional Public Prosecutor

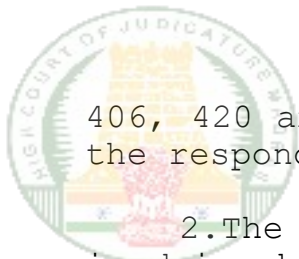
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.01 of 2022 on the file of the
Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections



406, 420 and 120(B) of I.P.C., in Crime No.1 of 2022 on the of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is doing business by possession JCB vehicle, that on 01.07.2021, A1 had approached the de-facto complainant saying that he took his JCB vehicle for monthly rent of Rs.85,000/-. Believing his words, the de-facto complainant handed over his JCB vehicles. Thereafter, the petitioner conspired together with A1 have committed criminal breach of trust and cheated the de-facto complainant. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that the petitioners along with A1 and A2 had hired the JCB from the de-facto complainant and thereafter, they failed to pay the rent and also return the vehicle. During the investigation it was found that the accused have sold out the JCB without knowledge of the de-facto complainant. As far as the petitioners are concerned, they are acted as brokers and there was a due of Rs.15,00,000/-.

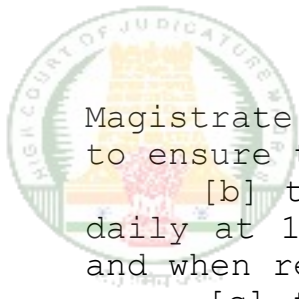
5.The learned counsel for the petitioners would submit that the petitioners, to show their *bona fides*, are ready and willing to deposit Rs.7,50,000/- to the credit of Crime No.01 of 2022 before the learned Magistrate concerned, without prejudice to their rights and contentions.

6.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.Accordingly, the petitioners shall deposit a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand only) each to the credit of Crime No.01 of 2022 before the learned Judicial Magistrate No.2, Virudhunagar, without prejudice to their rights and contentions.

8.On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Virudhunagar, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 1 to ensure their identity.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/03/2023

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

SJI

TO

1. The Judicial Magistrate No.2, Virudhunagar.

2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.

3. The Inspector of Police,
District Crime Branch(DCB),
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.A.K.GOPALAN, Advocate (SR-3716[I] dated 08/03/2023)

ORDER

IN

CRL OP(MD) No.2663 of 2022

Date :08/03/2023

ED/CG/SAR-3 (21/03/2023) 3P 7C

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