



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.2354 of 2023

WEB COPY

1.Dineshkumar
2.Vasanth @ Vasanthakumar
3.Murugesan

...Petitioners

-vs-

The State represented by
The Sub Inspector of Police,
Vedasandur Police Station,
Dindigul District.
(Cr.No.35 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.35 of 2023 on the file of the respondent Police.

For Petitioners : Mr.J.Gunaseelan Muthaiah,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 403 and 420 of IPC in Crime No.35 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioners herein have hired the TATA AC van bearing No.TN-57-BT-4864 from the de-facto complainant and not yet return the same to de-facto complainant. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that it is true that the petitioners have hired the vehicle from the de-facto complainant. Since the de-facto complainant did not pay the monthly dues to the hirer, they had taken recovery of vehicle. He would also submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them. Hence, he would pray for anticipatory bail to



the petitioners.

4.The learned Government Advocate (crl.side) would submit that the petitioners herein have hired the TATA AC van bearing No.TN-57-BT-4864 from the de-facto complainant and not yet return the same to de-facto complainant. He would oppose to grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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, Veda sandur, on condition that the petitioners shall execute 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 pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

06/02/2023

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



TO

1.The Judicial Magistrate, Vendasandur.

2.-DO- Through The Chief Judicial Magistrate,
Dindigul District.

3.The Sub Inspector of Police,
Vendasandur Police Station,
Dindigul District.

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

+1. CC to M/S.GUNASEELANMUTHIAH J Advocate SR.No. 1876(I)

ORDER

IN

CRL OP (MD) No.2354 of 2023

Date :06/02/2023

VA/VR/SAR-1/13.02.2023/3P/6C