



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

Date : 15.03.2023

PRESENT

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

CRL OP(MD).No.3102 of 2023

Muruganantha Durai

... Petitioners/Accused

Vs.

State represented by
The Sub Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi District.
(In Cr.No.130 of 2022)

... Respondent/Complainant

For Petitioner : Mr.A.S.Vaigunth
Advocate.
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.130 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the Accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 381, 406 and 420 of IPC, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant appointed the petitioner as driver of his lorry bearing Registration No.TN-AB-2943. Thereafter, the petitioner refused to attend the calls of the defacto complainant. When he contacted the petitioner regarding rent for the vehicle and trips. Thus, the defacto complainant went to the petitioner's house at Pudukottai, the petitioner and the vehicle was not found there. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the petitioner had already handed over the lorry to the defacto complainant.



4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner has already handed over the lorry to the defacto complainant, 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 District Munsif Cum Judicial Magistrate, Ottapidaram, 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 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 10.00 a.m. without fail, for a period of two weeks and thereafter as and when required for interrogation;

(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/-

15/03/2023

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

vsd

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



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, OTTAPIDARAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE SUB INSPECTOR OF POLICE, PUTHIAMPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.VAIGUNTH A.S, Advocate (SR-4484[I] dated 17/03/2023)

ORDER

IN

CRL OP(MD) No.3102 of 2023

Date :15/03/2023

RS/SBN/SAR-1(29.03.2023) 3P 6C