



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2023

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PRESENT

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

CRL OP(MD)No.3667 of 2023

1.Manohar

2.Jegatheesan

... Petitioners/Accused Nos. 2 & 3

Vs

State rep by
The Inspector of Police,
Velayuthampalayam Police Station,
Karur, Karur District.
(Cr.No.44/2023)

... Respondent/Complainant

For Petitioner : Mr.C.Saravanakumar,Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.44 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 IPC in Crime No.44 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the torres lorry. A1 and the defacto complainant made a oral rental agreement for using lorry to transport bricks for the petitioners' company and monthly rent was fixed at Rs.70,000/-. Thereafter, A1 did not paid the monthly rent and when the same was questioned by the defacto complainant, A1 informed that lorry was in the custody of the petitioners herein and they agreed to pay rent. However, for the last 12 months, they did not pay the rent. Hence



3. Heard and perused the materials available in the records.

4. Considering the facts and circumstances of the case and also considering the fact that custodial interrogation of the petitioner does not require, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. 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 Judicial Magistrate Court No.II, Karur, 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 Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, daily at 10.30 A.M., for a period of two 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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- 1 THE JUDICIAL MAGISTRATE NO.II
KARUR.
- 2 DO THROUGH;
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
VELAYUTHAMPALAYAM POLICE STATION, KARUR,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-4080[I] dated 13/03/2023

ORDER
IN
CRL OP(MD) No.3667 of 2023
Date :10/03/2023

PKP/BUC/SAR-2/20.03.2023/ **3P/6C**