



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

Date : 11/04/2023

PRESENT

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

CRL OP(MD) . No.6564 of 2023

1.P.Kumar

2.Rajesh @ Sachithanantham

... Petitioner / Accused No.3&4

Vs

The Inspector of Police,
Srirangam Police Station,
Trichy City.
(Crime NO.324 of 2023)

... Respondent / Complainant

For Petitioners : Mr.S.Muthukrishnan, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

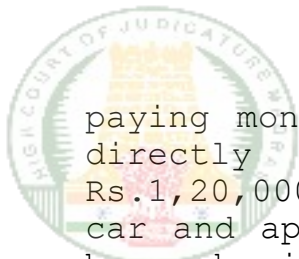
PRAYER :-

For Anticipatory Bail in Crime No.324 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 406, 420 and 506(1) of IPC, in Crime No.324 of 2023 on the file of the respondent police, seek0 anticipatory bail.

2. The case of the prosecution is that one Nagarajan gave a complaint before the respondent police stating that he was working as driver and in the year 2015, he purchased a car bearing Registration No.TN 48 AC 9653 from Jeyaraj Car Company by way of Magma finance, to the tune of Rs.8,10,000/- and advance amount of Rs.1,30,000/- was paid. Due to finance crisis, on 12.01.2017, he pledged the car to the tune of Rs.1,10,000/- to one Balamurugan through Raja and one Sahul. He gave RC book, key of the car and also signed in two cheques and stamp paper value Rs.20/-. Thereafter, the said Balamurugan paid a sum of Rs.36,000/- by way of his bank account in KVB Bank to Magma finance and remaining amount of Rs.4,80,000/- to Nagarajan's account. The complainant has been



paying monthly instalment of Rs.5,000/- as interest to Ba. an directly for a period of twenty four months, totally paid Rs.1,20,000/-. Thereafter, the complainant intended to recover his car and approached Balamurugan, but he said that car is with Sahul boy, who in turn said that the car was re-pledged to one Kumar and one Sachithanantham @ Rajesh. In the meantime, Kolkatta High Court issued warrant against the complainant, since non-payment of instalment. Hence, the complainant paid all the amount towards car finance. Thereafter, the complainant asked about the car with Kumar, he in turn said that car was not with him. Hence, he gave a complaint before the police. Thereafter, the petitioner known that the car was handed over to the police station. But, so far, car was not handed over to the complainant. Hence, the case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. Even according to the prosecution, the defacto complainant mortgaged his car to one Balamurugan, who in turn mortgaged the car to the petitioners. The petitioners are arrayed as A3 and A4. A3 is working as Driver and A4 is working as Assistant Professor in Nehru Memorial College, Puthinampatti, Trichy. The entire allegation is civil in nature. Therefore, taking into consideration of the facts and circumstances of the case, the custodial interrogation of the petitioners does not require. Therefore, this Court is inclined to grant anticipatory bail to 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 learned Judicial Magistrate, Srirangam, 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 am., 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 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/-
11/04/2023

/ TRUE COPY /

/04/2023

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

RMK

To

1.The Judicial Magistrate,
Srirangam, .

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
Srirangam Police Station,
Trichy City.

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

+1 CC to M/s.S.MUTHUKRISHNAN, Advocate (SR-5717[I] dated 12/04/2023)

ORDER
IN
CRL OP(MD) No.6564 of 2023
Date :11/04/2023

ED/MMS/SAR-2 (19/04/2023) 3P 6C