



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.03.2023

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PRESENT

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

CRL OP(MD)No.8713 of 2022

R.Vijayakanth

... Petitioner/Sole Accused

Vs

1.The State rep by
The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
(Crime No.90 of 2022)

... Respondent/Complainant

2.R.KANNAN

...Petitioner/Intervener
in CRL MP(MD)No.6291 of 2022

For Petitioner : Mr.C.Susikumar, Advocate

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

For Intervenor : Mr.G.R.Sathish, Advocate

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

PRAYER :-

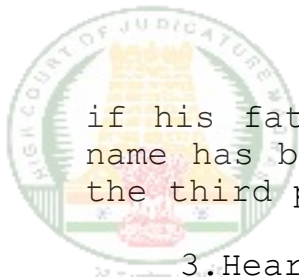
For Anticipatory Bail in Crime No.90 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465 and 420 IPC in Crime No.90 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner are brothers. The father of the petitioner purchased a car bearing registration No.TN-67-BY-7205. After the

<https://www.mca.gov.in/>



if his father has given a car to him and in the RC book the name has been changed. Subsequently, the petitioner sold the car to the third party. Hence, the case.

3. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the intervenor and the learned Additional Public Prosecutor appearing for the respondent police.

4. It is seen that the petitioner's father purchased the car and he transferred the ownership in favour of the petitioner and even before the transfer of ownership of the car, he died. It is also seen that the defacto complainant and the petitioner are brothers and there is a dispute in respect of car. Therefore, custodial interrogation of the petitioner does not required, since RC book of the car in dispute had already been seized by the respondent police for investigation.

5. Considering the above facts and circumstances of the case, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Aruppukkottai, 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 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 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 10.30 A.M., 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 were not imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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.

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sd/-
09/03/2023

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

gns

TO

1.THE JUDICIAL MAGISTRATE, ARUPPUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
ARUPPUKKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-4091[I] dated 13/03/2023)

ORDER
IN
CRL OP(MD) No.8713 of 2022
Date :09/03/2023

RK/MMS/SAR-4 (21/03/2023) 3P/6C