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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2023

PRESENT

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

CRL OP(MD) . No.6912 of 2023

Pushparajan @ Raja Kandiya

... Petitioner/Accused No.1

Vs

State rep., by
The Inspector of Police,
District Crime Branch,
Thanjavur.
(Crime No.34 of 2022)

... Respondent/Complainant

For Petitioners : Mr.S.Kanagarajan, Advocate

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

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

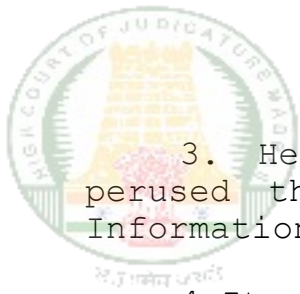
PRAYER :-

For Anticipatory Bail in Crime No.34 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406, 420 and 506(i) of I.P.C., in Crime No.34 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running Kandia Classic Arts and Crafts Shop at Thanjavur and the defacto complainant is working as Account Manager in Indeco Leisure Hotels (P) Ltd., at Baburajapuram, Kumbakonam Taluk and the defacto complainant's hotel Proprietor was asked by the petitioner to buy the Horse Chariot for Rs.8,50,000/- in the year 2018. The said Horse Chariot's rate is Rs.6,00,000/- and Rs.2.50 Lakhs for repair work. All the payment made through Bank and after receipt of the amount and thereafter, the petitioner did not obey the same and not return back the money. Hence, the complaint.



3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that the petitioner after showing videograph of Chariot to the defacto complainant and received a sum of Rs.6 Lakhs as sale consideration and also Rs.2.50 Lakhs for repair work and thereafter, they failed to hand-over the Chariot. During investigation, the Chariot was seized from the petitioner. That apart, the petitioner sold out the draft articles in favour of the defacto complainant worth about Rs.7 Lakhs. Therefore, it is the business transaction and the custodial interrogation of the petitioner does not require. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 No.1, Thanjavur, 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 the 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 three 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].



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[f] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-

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

rmk

TO

1. THE JUDICIAL MAGISTRATE NO.1, THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6912 of 2023

Date :17/04/2023

RK/SSS/SAR-4 (26/04/2023) 3P/5C