



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17/04/2023

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PRESENT

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

CRL OP(MD) . No.6892 of 2023

Balamurugan

... Petitioner/Accused No.5

Vs

State rep., by  
The Inspector of Police,  
District Crime Branch,  
Theni.  
(Crime No.10 of 2023)

... Respondent/Complainant

For Petitioners : Mr.L.Siva, Advocate

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

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

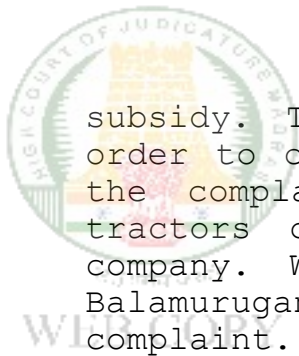
PRAYER :-

For Anticipatory Bail in Crime No.10 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 417, 420, 120B, 294(b) and 506(i) of I.P.C., in Crime No.10 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that he is working as a Manager in Cholamandalam Investment Finance Company Limited, and they used to lend vehicle loans. Eight persons entered into a contract with him for purchasing Tractors. The entire amount has been transferred to Sri Gowmariamman Tractors. The first instalment was also paid through one Madhan. From the second month, they failed to pay the instalments. When the staff from the defacto complainant approached the borrowers, they replied that the documents have been given to one Madhan for getting a



subsidy. Thereby, all the accused persons conspired together in order to cheat the defacto complainant's company. Upon 8 Tractors, the complainant company repossessed 5 Tractors. The remaining 3 tractors could not be repossessed by the defacto complainant's company. When the same was questioned by the complainant, one Balamurugan and Madhan intimidated the complainant. 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 there are totally six accused, in which, the petitioner is arrayed as A5 and he is the Sale Executive of Sri Gowmariamman Tractors and he relieved from the company on 16.05.2022 itself.

5. Taking into consideration the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner.

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, Theni, 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 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/-  
17/04/2023

/ TRUE COPY /

/05/2023

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

rmk

TO

1.THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI.

3.THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
THENI.

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

+1 CC to M/s.L.SIVA, Advocate ( SR-5900[I] dated 17/04/2023 )

ORDER  
IN  
CRL OP(MD) No.6892 of 2023  
Date :17/04/2023

RK/BUC/SAR-1 (03/05/2023) 3P/6C