



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

Date : 21.04.2023

PRESENT

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

CRL OP(MD). No.7231 of 2023

S.Aravind @ Aravindhan

... Petitioner / Sole accused

Vs

State represented by its
Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.11 of 2023)

... Respondent / Complainant

For Petitioner : Mr.R.Aravindraaj, Advocate

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

For Intervenor : Mr.R.Gandhi, Senior Counsel for
M/s.Gandhi Associates

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

PRAYER :-

For Anticipatory Bail in Crime No.11/2023 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 417, 468, 471, 420 and 294(b) of I.P.C., in Crime No.11 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased the car Land Rover bearing Registration No.TN 04 AW 6304 in the name of his son and thereafter, he intended to sell his vehicle. The petitioner offered his willingness to purchase the said car and price was fixed as Rs.46,00,000/-. The petitioner cleared the car loan for the vehicle in ICICI Bank, Periyakulam Branch and paid a sum of Rs.22,00,000/- and promised to pay the balance amount of Rs.24,00,000/-. Since the defacto complainant



kept the RC book in the car, the petitioner forged the signature of the defacto complainant and transferred the vehicle in his favour and also failed to repay the balance amount. Hence, the case.

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

4. It is seen that the petitioner purchased the car Land Rover bearing Registration No.TN 04 AW 6304 for the sale consideration of Rs.46 Lakhs from the defacto complainant, who purchased the said car with the help of financial facility from ICICI Bank, Periyakulam Branch. The petitioner cleared the loan for the vehicle in ICICI Bank, Periyakulam Branch and paid a sum of Rs.22 Lakhs to the defacto complainant and also obtained NOC from the Bank for transfer the ownership in his favour. Without paying the remaining sale consideration of Rs.24 Lakhs to the defacto complainant, he forged the signature of the defacto complainant and submitted the transfer of ownership form before the concerned RTO office, Coimbatore and transferred the ownership. However, the learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit the balance amount to the credit of Crime Number.

5. In view of the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. The petitioner is directed to pay a sum of Rs.24 Lakhs to the credit of Crime No.11 of 2023 on the file of the respondent police within a period of four weeks from the date of receipt of a copy of this order, on such deposit, 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 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 am., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness or interfere in any manner with the 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/04/2023

/ 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 District.

3.The Inspector of Police,
District Crime Branch,
Theni District.

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

+1 CC to M/s.R.ARAVINDRAJ, Advocate (SR-6326[I] dated 21/04/2023)

ORDER
IN
CRL OP(MD) No.7231 of 2023
Date :27/04/2023

ED/VR/SAR-3 (04/05/2023) 3P 6C