



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.04.2023

WEB COPY

PRESENT

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

CRL OP(MD). No.8012 of 2023

K.Arun Kumar

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Organized Crime Unit, CBCID,
District Crime Branch,
Madurai City.
(Crime No.37 of 2005)

... Respondent/Complainant

For Petitioner : Mr.C.M.Arumugam, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor(Crl.Side)

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

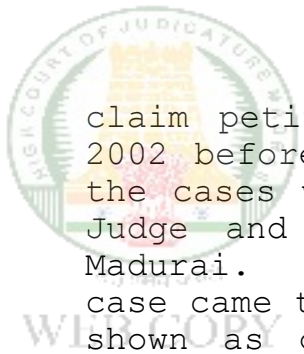
PRAYER :-

For Anticipatory Bail in Crime No.37/2005 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 r/w 120 B and 511 of IPC, in Crime No.37 of 2005 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.01.2000 a motor cycle bearing Registration No.TN 59 L 6278 dashed on a tractor bearing Registration No.TN 57 B 7565 and thereby, a case in Crime No.16 of 2000 was registered on the file of the Sub-Inspector of Police, Oomatchikulam Police Station, Madurai District, for the offences punishable under Sections 279, 337 and 304(A) of IPC. Subsequently, in the said case, final report was filed in CC.No.485 of 2000. Thereafter, the accused admitted the offence and thereby, remitted the fine. Since there was a death in the accident, two



claim petitions were filed in M.C.O.P.Nos.641 of 2001 and 2002 before the learned Principal District Court, Madurai. Later, the cases were made over to the file of the II Additional District Judge and on the file of the IV Additional Subordinate Judge, Madurai. In this regard, the defacto complainant of the instant case came to know that in the aforesaid accident, the tractor, which was shown as offending vehicle, was not involved, but the same was implicated fraudulently. Hence, the defacto complainant initiated legal proceedings before this Court for proper investigation into the alleged occurrence as mentioned in Crime No.16 of 2000. So, the matter was again investigated by the respondent and thereby, a case in Crime No.37 of 2005 was registered for the aforesaid offence. Hence, the case.

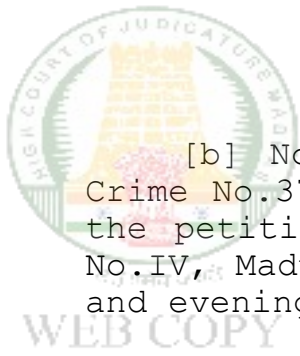
3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner has set up another vehicle as if offending vehicle in the accident, which was taken place on 06.01.2000 and filed claim petition in M.C.O.P.No.211 of 2002. After knowing the fact that the said vehicle was not involved in the accident, immediately he withdrew the claim petitions. That apart, A3 was set up the driver of the said offending vehicle and he admitted guilty in C.C.No.485 of 2000 on the file of the learned Judicial Magistrate No.II, Madurai. Therefore, the respondent registered a case in Crime No.37 of 2005 for the offence under Section 420 r/w 120B and 511 of IPC. Thereafter, the respondent did not take any steps to secure any accused persons. After direction issued by this Court, now the respondent takes step and as such, the petitioner apprehending arrest at the hands of the respondent police and filed this application for anticipatory bail.

5. Taking into consideration of the 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 No.IV, Madurai, on condition that the petitioners 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 confirm their identity.



[b] Now, the respondent police completed the investigation in Crime No.37 of 2005 and filed a final report in C.C.No.402 of 2023, the petitioner shall report before the learned Judicial Magistrate No.IV, Madurai, in C.C.No.402 of 2023, daily morning at 10.30 am., and evening at 05.30 pm., until further orders.

[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].

[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 NO.IV,MADURAI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
ORGANIZED CRIME UNIT, CBCID,
DISTRICT CRIME BRANCH,
MADURAI CITY.

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

+1 CC to M/s.C.M. ARUMUGAM, Advocate (SR-6876[I] dated 28/04/2023)

ORDER
IN
CRL OP(MD) No.8012 of 2023
Date :27/04/2023