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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9061 of 2023

Logendran

... Petitioner/Accused No.8

Vs

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

... Respondent/Complainant

For Petitioner : Mr.B.Jeyakumar
For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 417, 420, 120 B, 294(b) and 506(1) 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 the de-facto complainant is working as a manager in Cholamandalam Investment Finance Company Ltd., and they used to lend vehicle loans. The accused approached the said company for lending loan to purchase of eight tractors. The contract papers were sent through Sri Gowmariamman Tractors which is an agency of TAFE tractors to the finance company. The first installment has been paid through A6 and thereafter, they failed to repay the loan. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. The petitioner herein is the tractor mechanic. The petitioner's



name is not found in the FIR and the main accused A1 to A6 are released on anticipatory bail and A8 is also released in bail by this Court.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is pending. He would further submit that there is no previous case is pending against the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 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, every Saturday at 10.30 a.m., for a period of six weeks and thereafter, as and when require 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]**.



CRL OP(MD)



23

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

sd/-

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

SBN

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.B.JEYAKUMAR, Advocate (SR-7759[I] dated 22/05/2023)

ORDER

IN

CRL OP(MD) No.9061 of 2023

Date :18/05/2023

RS//SAR-(29.05.2023) 3P 6C