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CRL OP(MD). A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.12611 of 2022

Velanganni Prabhu @ Velanganni

... Petitioner/Sole Accused

Vs

1.The State rep.by,
The Inspector of Police,
Thadicombu Police Station,
Dindigul, Dindigul District.
Crime No.197 of 2022.

2.Karuppasamy
R2 SUO MOTU Impleaded as
per order of this Hon`ble
court dt.13/07/2022 on
Crl.OP(MD)No.12611 of 2022
by GIJ.

... Respondent/Complainant

For Petitioner : M/s.Sarvagan Prabhu S,
Advocate.

For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)

For R2 : Mr.T.K.Gopalan, Advocate.

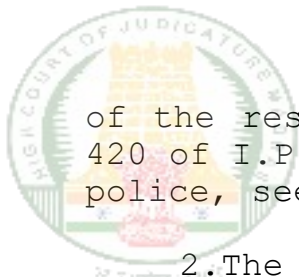
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.197 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.trifolium.in/judis> The Petitioner/Sole Accused, who apprehends arrest at the hands



of the respondent police for the offences punishable under Section 420 of I.P.C., in Crime No.197 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Karuppasamy, is that he had purchased two cars from the petitioner, one car bearing Registration No.TN 57 AH 4567 (Chevrolet Cruze) and another car bearing Registration No.TN 11 Z 5042 (Skoda Rapid). Since the de-facto complainant has not satisfied with the above said cars quality, returned the said cars to the petitioner for resale and money was not returned back. Thereafter, without the knowledge of the de-facto complainant, the petitioner sold the said cars to the third party and cheated him. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is a person, dealing with used cars and he used to take financial assistance from the de-facto complainant by pledging RC books and also executing pro-notes and in the course of business, the petitioner had pledged two RC books with the de-facto complainant. Since the petitioner was unable to repay the amount, the de-facto complainant had withheld the RC books and he has given a false complaint, as if, the petitioner has sold his cars. He would further submit that admittedly, the RC books does not stand in the name of the de-facto complainant and it is only a financial dealing. He would further submit that the de-facto complainant, in respect of some other financial transactions, had taken a house property belonging to the petitioner and further, he has also filed a suit in O.S.No.288 of 2022 claiming an amount of Rs.21,87,641/- based on the blank pro-note given to the de-facto complainant and the petitioner is also contesting the suit. He would further submit that the petitioner to show his *bona fides*, is ready and willing to deposit the title deeds of immovable property worth of Rs.5,00,000/- either belonging to himself, friends or relatives to the credit of Crime No.197 of 2022 before the learned Judicial Magistrate No.2, Dindigul. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the de-facto complainant had entrusted two cars for sale to the petitioner and the petitioner without the knowledge of the de-facto complainant had sold the cars and had received an amount of Rs.9,30,000/- from the customers and he has cheated the de-facto complainant. Hence, he opposed to grant anticipatory bail.

5.The learned counsel for the intervenor would submit that the de-facto complainant had entrusted two cars, one car bearing Registration No.TN 57 AH 4567 (Chevrolet Cruze) and another car bearing Registration No.TN 11 Z 5042 (Skoda Rapid) for sale to the petitioner and the petitioner sold the cars to the third party and had failed to pay the amount to the de-facto complainant and he would object for grant of anticipatory bail to the petitioner.



6. Heard. Perused the materials available on record of the First Information Report.

7. Taking into consideration of the facts and circumstances of the case and that the petitioner, to his *bona fides*, is ready and willing to deposit original title deeds of immovable property worth of Rs.5,00,000/- either belonging to himself, friends or relatives to the credit of Crime No.197 of 2022 before the learned Judicial Magistrate No.2, Dindigul, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

8. 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.2, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 deposit the original title deeds of immovable property worth of Rs.5,00,000/- (Rupees Five Lakhs Only) either belonging to himself, friends or relatives to the credit of Crime No.197 of 2022 before the learned Judicial Magistrate No.2, Dindigul at the time of furnishing sureties.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].



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

9. It is made clear that the observations are made by this Court only for deciding this application for anticipatory bail and they have not any bearing in the civil proceedings pending between the parties.

sd/-
01/02/2023

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/02/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.2,
DINDIGUL.
- 2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THADICOMBU POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SARVAGAN PRABHU S Advocate SR.No.1679(I)

+1. CC to M/S.T.K. GOPALAN, Advocate SR.No.1620(I)

ORDER
IN
CRL OP(MD) No.12611 of 2022
Date :01/02/2023

VA/SAR-3/10.02.2023/4P/6C