



WEB COPY

CRL OP(MD)A



23

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

Date : 30.06.2023

PRESENT

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

CRL OP(MD)No.11597 of 2023

Millermani

... Petitioner/Accused No.4

Vs

State Rep.by
The Sub-Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.105 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.C.Herold Singh,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.105 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC in Crime No.105 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant intended to purchase a Toyota Innova Crysta Z series car. Therefore, he approached A2 & A3 and they also booked the car in the name of the defacto complainant. Thereafter, the defacto complainant



approached the Bank to avail loan and he has to pay a sum of Rs.5,50,000/- as advance and therefore, he transferred Rs.4,50,000/- to the account of A2 and paid cash Rs.1 Lakh to A2. Further, he handed over demand draft for a sum of Rs.24,50,000/- to A2. Totally, a sum of Rs.30,00,000/- was handed over to A2 and A3 and they also informed that the amount was handed over to A1, wherein it was informed that the car would be received within few months. When the defacto complainant approached RTO office, it was shocked to note that instead of booking Toyota Innova Crysta Z series car, Urban Cruzer car was registered vide registration No.TN 75 AX 2316. On enquiry it was revealed that the amount handed over by the defacto complainant was misappropriated and even though, the vehicle was registered in the name of the defacto complainant, it was not delivered to him. When the defacto complainant demanded the vehicle, the accused persons holding the vehicle and using the same. For registering the vehicle, the petitioner's mobile number was given to RTO officer. Hence, the case.

3.Heard both sides and perused the materials available in the record.

4.It is seen that the entire allegations levelled as against A1 to A3. As far as the petitioner herein is concerned, his mobile number was used for registering the vehicle. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5.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 Judicial Magistrate Court No.I, Kuzhithurai, Kanyakumari District 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 A.M., for a period of three 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/06/2023

/ TRUE COPY /

/07/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KUZHITHURAI, KANYAKUMARI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.HEROLD SINGH S.C, Advocate (SR-10023[I] dated 03/07/2023)

ORDER
IN
CRL OP(MD) No.11597 of 2023
Date :30/06/2023

PKP/MMS/SAR- /11.07.2023/ **3P/6C**