



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

Date : 10.03.2023

PRESENT

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

CRL OP(MD)No.13969 of 2022

Murugan

... Petitioner/Accused No.2

Vs

Stare Rep.by
The Inspector of Police,
Peraliyur Police Station,
Madurai District.
Crime No.123 of 2022

... Respondent/Complainant

For Petitioner : Mr.T.Antony Arul Raj,Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.123 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 467, 469 and 506(i) IPC in Crime No.123 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons and the defacto complainant are belonged to the same village and the defacto complainant lent his innova car and nissan micra car to the petitioner and his son in the year 2020 for their own and the same was not returned. When the defacto complainant asked to return the vehicles, the petitioner's son threatened the defacto complainant with dire consequences and also attempted to make name transfer of the vehicles. Hence, the case.

3.Heard and perused the materials available in the records.

4.It is seen that there are totally four accused in this case and the petitioner is arrayed as A2. It is also seen that there is

<https://www.mhc.tn.gov.in/judst>



business transaction between the accused persons and the complainant and the first accused was arrested and released on bail. Hence, custodial interrogation of the petitioner does not required.

5. Considering the above 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, Peraiyur 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/-
10/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



WEB COPY

1 THE JUDICIAL MAGISTRATE,
PERAIYUR.

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

3 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.ANTONY ARUL RAJ T, Advocate (SR-4040[I] dated
13/03/2023)

ORDER

IN

CRL OP(MD) No.13969 of 2022

Date :10/03/2023

PKP/BUC/SAR-4/21.03.2023/ **3P/6C**