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CRL OP(MD). N



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

Date : 14/03/2023

PRESENT

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

CRL OP(MD). No.14365 of 2022

M.Kamatchiraja

... Petitioner/Sole Accused

Vs

1.State rep. by,
The Inspector of Police,
Thallakulam Police Station,
Madurai District.
(Crime No.547/2022).

... Respondent/Complainant

2. Parthiban

... 2nd Respondent

(R2 is Suo Motu Impleaded as Per
Order of the Court Dated 10.08.2022
in Crl OP(MD) No.14365 of 2022 by
GIJ).

For Petitioner : M/s.Krishna Kumar J,
Advocate.

For R1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For R2 : M/S.R.Senthil Kumar
Advocate.

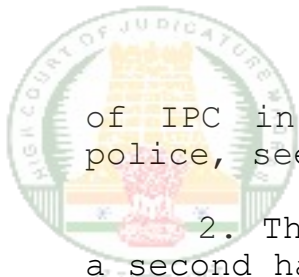
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.547/2022 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



of IPC in Crime No. 547 of 2022 on the file of the respondent at police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner arranged a second hand Scorpio car which belongs to one R. Muthukumar for the defacto complainant. The defacto complainant had paid a sum of Rs.7,50,000/- for the above vehicle and the original agreed value is Rs.8,10,000/- Further even though the vehicle was handed over to the defacto complainant along with original insurance and xerox copy of RC book. Since the vehicle was under private finance, the same was not cleared and the original RC book was not handed over, hence the case.

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

4. Even according to the case of prosecution the petitioner herein had purchased the car from the defacto complainant for a value of Rs.7,50,000/- and the amount was also paid however the defacto complainant demanded more money, hence custodial interrogation of the petitioner is not required, hence this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

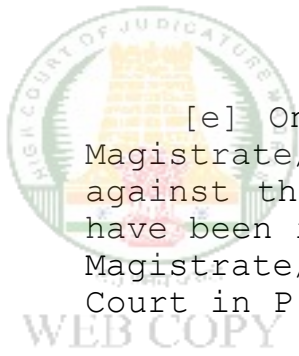
5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Madurai on condition that the petitioner shall execute a bond for 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 respond to police daily at 10.30 am., for a period of two 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 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/-
14/03/2023

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

AAV

TO

1. The Judicial Magistrate No.II, Madurai.
2. Do through the Chief Judicial Magistrate,
Madurai.
3. The Inspector of Police,
Thallakulam Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.KRISHNA KUMAR J, Advocate SR-4129[I] dated 14/03/2023

ORDER
IN
CRL OP(MD) No.14365 of 2022
Date : 14/03/2023