



CRL OP(MD) No.13263 of 2023

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

Wednesday, the Second day of August Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) No.13263 of 2023

JAYAKUMAR

... PETITIONER/ ACCUSED NO.2

Vs

1 State Rep.by
THE SUB INSPECTOR OF POLICE
RAMESHWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO.131 OF 2023)

... RESPONDENT

(*)2 RATHA VIJAYA SARATHY
M.D.LITTLE FLOWER HOTELS PVT LTD,
7/3A,3RD MAIN ROAD, KASTURIBHA NAGAR,
CHENNAI.

... 2ND RESPONDENT

(*)(R2 IS SUO-MOTU IMPEADED AS PER ORDER OF THE COURT DATED
20/07/2023 IN CRL OP(MD).13263/2023)

For Petitioner	:	M/S.I.JOSHUA, Advocate
For Respondent-1	:	MR.S.MANIKANDAN, Government Advocate (Crl.Side)
For Respondent-2	:	MR.R.VELMURUGAN, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.131 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



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police for the offences punishable under sections 406 of I.P.C., in Crime No. 131 of 2023 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution as per the de-facto complainant is that he is the owner of the car which is in the name of the Company. The said car was sent to Jesta Sarang, Rameshwaram for official use, which was also acknowledged by the cluster head. It is further alleged that on 10th March the car was misused for personal use and met with an accident. Thereafter, a van was arranged to bring the car to Chennai. When the accident was informed to the Managing Director as well as to the Cluster they failed to respond. The insurance company completed the formalities and considered the total loss and estimated as Rs.20,95,000/-. When the defacto complainant asked compensation for the misuse of the card, there was no response. Thereafter, the petitioner along with other accused herein threatened the defacto complainant. Hence, the case.

3. On 15.06.2023, the petitioners/Accused No.1 & 2 were granted anticipatory bail, since they are ready and willing to pay the substantial amount of Rs.1,00,000/- by each of the petitioners to the defacto complainant. Thereafter, the matter was again taken up under the caption 'for being mentioned' at the instance of the learned counsel for the petitioners therein and submitted that they are not ready to pay the above said amount. Therefore, by the order, dated 26.06.2023, the anticipatory bail



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that has been granted to the petitioners/accused Nos.1 & 2 earlier, on 15.06.2023 was cancelled and the petition was dismissed.

4.For exploring the possibility of settlement the defacto complainant was suo motu impleaded as second respondent in this case. He appeared through his counsel Mr.Velmurugan.

5.Now, this second anticipatory bail application has been filed by the petitioner/Accused No.2, on the ground that he is ready to comply the above said condition, which was ordered by this Court in Crl.O.P.(MD).No.10546 of 2023, on 15.06.2023. Therein, this petitioner was shown as second petitioner. The first petitioner, who is the first accused has not appeared before this Court. As per the earlier order dated 15.06.2023, both petitioners were ordered to pay Rs.1,00,000/- each directly to the defacto complainant. Even though the learned counsel for the defacto complainant seeks fresh order directing the petitioner to pay extra amount. But cannot be considered at this stage. In view of the undertaking given by the petitioner, Rs.1,00,000/- that was already ordered must be paid by him directly to the defacto complainant, within a period of one week from the date of receipt of a copy of this order. The other conditions remain unchanged as stated in the original order, dated 15.06.2023, passed in Crl.O.P.(MD).No.10546 of 2023, in respect of the accused No.2, the petitioner herein.



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6. Accordingly, this criminal original petition stands allowed.

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sd/-
02/08/2023

/ TRUE COPY /

/08/2023

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

TO

1 THE JUDICIAL MAGISTRATE, RAMESWARAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE SUB INSPECTOR OF POLICE
RAMESHWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-11695[I] dated 02/08/2023)
+1 CC to M/s.I.JOSHUA, Advocate (SR-11709[I] dated 02/08/2023)

ORDER
IN

CRL OP(MD) No.13263 of 2023
Date :02/08/2023

RS/VR/SAR-(21.08.2023) 4P 7C
Madurai Bench of Madras High Court is issuing
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