



CRL OP(MD)No.13681 of 2023

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

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.13681 of 2023

Thirumurugan

... Petitioner / Sole Accused

Vs

1.State rep

The Inspector of Police,
Thachanallur Police Station,
Tirunelveli.

(Crime No.164 of 2023)

... 1st Respondent / Complainant

2.Kumutha

(R2 is suo motu impleaded as per Order
of the Court dated 18.08.2023 in CRL OP
(MD) No.13681 of 2023)

... 2nd Respondent

For Petitioner : Mr.G.Karuppasamy Pandiyan, Advocate

For Respondent No.1 : Mr.R.Sureshkumar,
Government Advocate(Crl.side)

For Respondent No.2 : M/s.R.Pranavi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.164 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(i), 420 IPC in Crime No.164 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son purchased a second-hand car for a sum of Rs.1,50,000/- from the petitioner, 5years prior to the date of the complaint. Thereafter, the car was found to have some mechanical defects. Hence, the defacto complainant requested the petitioner to take back the car and refund the above said amount. However, in the year 2019, the petitioner returned only a sum of Rs.25,000/- but failed to return the balance amount. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the first respondent police would submit that the investigation is still pending and hence, he opposed to grant anticipatory bail to the petitioner.

5.The learned counsel appearing for the second respondent would submit that



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the petitioner sold the car with mechanical defects and hence, the second respondent requested the petitioner to return the amount. However, the petitioner failed to return the same. Therefore, he objected to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Cr.No.164 of 2023 before the learned Judicial Magistrate No.IV, Tirunelveli, within a period of one week from the date of receipt of a copy of this order, failing which, the anticipatory bail granted to the petitioner shall stand cancelled automatically. After deposit, the defacto complainant is permitted to withdraw the deposited amount, without notice to the petitioner.

7.On such deposit, 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.IV, Tirunelveli 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:



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[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 trial Court on summons.

[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/-
10/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



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1.The Judicial Magistrate No.IV,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Thachanallur Police Station,
Tirunelveli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-14909[I] dated
10/10/2023)

+1 CC to M/s.K.RAJENDRAN, Advocate (SR-14957[I] dated 11/10/2023)

ORDER

IN

CRL OP(MD) No.13681 of 2023

Date :10/10/2023

ED/JGB/SAR- (18/10/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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