



CRL OP(MD). No.14057 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14057 of 2023

Mohammed Asif Hameed

... Petitioner / Accused No.1

Vs

The State represented by
The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
Crime No.442 of 2023.

... Respondent / Complainant

For Petitioner : M/s.A.S.VAIGUNTH
For Respondent : Mr.B.NAMBISELVAN
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.442 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 of



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IPC in Crime No.442 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a well known person to the defacto complainant. On that basis, he lend his car to the petitioner, for wind mill project on monthly rent basis. The petitioner paid the rent regularly to the defacto complainant for a period of one year, thereafter failed to pay the amount by stating that the wind mill company is delaying the payment. Since the insurance of the defacto complainant's car expired, the defacto complainant asked his car back. But the petitioner refused to hand over the car, thereby cheated the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner does not know the defacto complainant and the car was lent by one Rajeswari, who got the car from the defacto complainant, for wind mill project. Without knowing the owner of the disputed vehicle, the petitioner entered into a lease agreement with the defacto complainant but however, the lease amount was transferred by the petitioner to the said Rajeswari's account. To show the same the petitioner has also produced the statement of accounts.

4. The learned Additional Public Prosecutor would submit that the real owner is the defacto complainant in whose name the RC Book is standing. Property is



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recovered and remanded before the trial Court and later the defacto complainant also got interim custody of the vehicle.

5. In view of the development, this Court is inclined to grant relief to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate Court-VI, 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
01/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE COURT NO.VI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI CITY.

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

+1. CC to M/S. VAIGUNTH. A.S Advocate SR.No.11700

ORDER IN
CRL OP(MD) No.14057 of 2023
Date :01/08/2023

SA/MMS/SAR. 4/17.08.2023/4P/6C

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