



CRL OP(MD). No.14335 of 2023

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

Date : 08/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14335 of 2023

Ditto

... Petitioner / Accused No.1

Vs

The State rep by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
(Crime No.520/2023.)

... Respondent / Complainant

For Petitioner : M/s. A.Sivasubramanian, Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Cr.No.520/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 379, * 420, 448 and 506(i) of I.P.C., in Crime No.520 of 2023, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that over a dispute arose between the defacto complainant and the accused persons, due to car purchasing, the defacto complainant lodged the present complaint.

3. Reading of the CD file shows that when the defacto complainant gave complaint against the petitioner, enquiry was undertaken by the Town Police Station, Tirunelveli. During the course of enquiry, finding that no document was filed by this defacto complainant showing that the Car was handed over to the petitioner, the above said enquiry was closed. Another complaint has been given by the defacto complainant seeking recovery of money involved in the above said transaction. That was also closed advising the defacto complainant to workout his remedy through appropriate proceedings before the Court. In pursuance of the above said only, the present FIR has been registered on the basis of the order made by the Judicial Magistrate No.I, Tirunelveli, given by the defacto complainant. Even though in the second complaint, it has been stated that he wants to recover the money from this petitioner, there is a clear finding to the effect that absolutely, no document has been produced by the defacto complainant. Apart from that this petitioner acted only as Commission Agent in the above said transaction. Now the vehicle involved in this transaction was taken by the financial company due to default of payment made by the purchaser.



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4. In view of the above said development, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, 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 learned Magistrate concerned and 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.

6. 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/-
08/08/2023

(* As per Order of the Court made in
CRL OP(MD) No.14335 of 2023 dated
23.08.2023)

/ TRUE COPY /

/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 No.I,
Tirunelveli.

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

3.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

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

ORDER
IN

CRL OP(MD) No.14335 of 2023

Date :08/08/2023

ED/VR /SAR-I (14/08/2023) 4P / 5C

ED/VR /SAR-I (30/08/2023) 4P / 5C

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