



CRL OP(MD). No.14588 of 2023

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

Date : 18/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1. Ravi

2. Senthil Kumar

... Petitioners / Accused

Vs

State rep by
Inspector of Police,
Musiri Police Station,
Tiruchirapalli District.
(Crime No.292 of 2023.)

... Respondent

For Petitioners : M/s.Pragadeesh Kumar K, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

For Defacto Complainant : Mr.K.Arun Raj, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.292 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of Indian Penal Code, 1860, in Crime No.292 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant has purchased the lorry bearing registration number TN 28 BD 5248 and also acted as a driver for the said lorry. On 11.07.2023, while he was returning from Ariyalur, there was some repair in the lorry and it was halted near Musiri Crematorium. On 14.07.2023, the mechanic took the gear box to service centre. On 15.07.2023, one Janagaraj called the defacto complainant and enquired about his lorry, which was parked at Sri Krishna Finance Company, Namakkal. Thereafter, the defacto complainant called the accused and enquired about the vehicle, for which the accused said that the vehicle was seized, since the defacto complainant signed a surety for defaulters, namely, Palanisamy and Darman. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that today, the first petitioner was arrested by the respondent police and also the lorry was recovered from him and also submitted that because of the non payment of the due amount by some other persons, who borrowed money



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from the Finance Company and the defacto complainant signed as a grantor. The above said persons did not deposit the amount and therefore, the finance Company seized the lorry.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that no previous case is pending against the second petitioner. He further submitted that now the lorry is under the custody of the respondent police.

5. The learned counsel for the defacto complainant submitted that now the several changes have been made in the lorry by the petitioners.

6. Since the first petitioner was arrested by the respondent police, this criminal Original Petition is dismissed against the first petitioner.

7. Considering the facts and the circumstances of this case and the second petitioner is not having any previous cases, this Court is inclined to grant anticipatory bail to the second petitioner, however, with stringent conditions.

8. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Musiri, and on his executing 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 on every Saturday at 10.30 am until further orders. The second petitioner shall comply with



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the conditions stipulated under Section 438 Cr.P.C. scrupulously.

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

10. The second petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.292 of 2023 before the learned Judicial Magistrate, Musiri.

11. The defacto complainant is directed to file an appropriate petition before the concerned trial Court seeking for interim custody of the vehicle. The defacto complainant shall withdraw the amount deposited by the second petitioner before the trial Court in Crime No.292 of 2023, without awaiting for the result of this case.

sd/-
18/08/2023

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/09/2023

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

TTA

To

1.The Judicial Magistrate,
Musiri.



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

3.The Inspector of Police,
Musiri Police Station,
Tiruchirappalli.

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

ORDER
IN

CRL OP(MD) No.14588 of 2023
Date :18/08/2023

ED/VR/SAR- (14/09/2023) 5P / 5C

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