



CRL OP(MD). No.14959 of 2023

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

Date : 17/08/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN
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1.Prabu

2.Arunachalam

... Petitioners / Accused Nos.1 and 2

Vs

State, rep by
The Inspector of Police,
Chinthamanipatty Police Station,
Karur District.
(Crime No.103 of 2023.)

... Respondent / Complainant

For Petitioner : Mr.K.Sivabalan, Advocate.
For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.103/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 and 2, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Sections 379 I.P.C., in Crime No.103 of 2023 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant's version is that



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he is working as Driver under one Vadivelu, who is owning the lorry bearing Registration Number TN 28 AU 3326. On 05.07.2023 at about 1.30 p.m., he parked the said vehicle along with load and went for lunch. When he returned after lunch, the above said lorry was found missing. On the basis of the above, the present First Information Report has been registered.

3. The learned counsel for the petitioner would submit that on previous occasion, two lorries bearing Registration Nos.TN 54 D 8922 and TN 70 J 4603 have been purchased by the second petitioner on EMI basis. But, later he failed to pay the EMI. He entered into an agreement with one Vadivelu that the said Vadivelu has to pay the EMI amounts of loan as rent for lorry. After some months, the said Vadivelu failed to pay the EMI amount. Thereafter, the second petitioner had paid the entire loan amount and insisted the petitioner to return back of his lorries. Later the said Vadivelu agreed to give the said lorry to the second petitioner. But, a false complaint has been given as if the said lorry has been stolen by the petitioners.

4. The respondent Police is present before this Court and stated that because of the above said issue, this petitioner alleged to have taken/stolen the above said lorry, which was parked by the defacto complainant. The said lorry was parked in the Thope of one Dinesh, it has been recovered.

5. Considering the nature of offences and also considering that the property



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has been recovered, there is no record to show that it is business issue between the parties on the previous occasion. But no previous case is reported against this petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Kulithalai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent Police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-
17/08/2023

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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 No.I, Kulithalai.

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

3.The Inspector of Police,
Chinthamanipatti Police Station, Karur.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-12440[I] dated 18/08/2023)

ORDER
IN

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Date :17/08/2023

ED/VRS/SAR- (23/08/2023) 4P / 6C

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