



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17934 of 2023

K.Karuthapandikannan,

... Petitioner/ Accused No.6

Vs

State rep. by
The Inspector of Police,
Veerapandi Police Station,
Theni District.
Crime No. 336 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Sundarapandian S.S.,
Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 336 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A6, who apprehends arrest at the hands of the respondent police



for the offences punishable under Sections 109,147,406,420 of IPC in Crime No.336 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 21.09.2023 the accused has contacted the defacto complainant and told that there is a person who wants to change the indian currency worth of Rs.100/-for Rs.3 lakhs, for which the defacto complainant told that he will give Rs.2 lakhs change as money/ The defacto complainant accepted the offer from the said accused and then the defacto complainant and his friend Muthu have gone to Veerapandi in a car bearing Reg. No. TN 29 BK 8120 and after that the defacto complainant contacted the said accused and asked him to come near Vayalpattiroad, Thandichery Extension. and on 28.09.2023 at about 3.30 p.m, the defacto complainant went there and saw a Tavera Car bearing Reg.No TN 63 AW 2894 in which four persons were sitting and the petitioner herein is sitting as driver and thereafter the defacto complainant and his friend Muthu got inside the car and the persons sitting inside the car introduced themselves as partners of Mohanraj and asked Rs.2 lakhs. After receiving the money from the defacto complainant the said persons told that Rs.3 lakhs(100 rupees notes) are in another place and told the defacto complainant to stay in a particular place and they informed him that they would give the money to his friend Muthu. Hence the accused cheated the defacto complainant.



3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is only driver of the vehicle he is not aware of the transactions. Therefore, he prayed for anticipatory bail to the petitioner.

4.The Government Advocate(Crl.Side) appearing for the respondent would submit that investigation in this case pending and A1 to A5 were arrested and still in custody,hence he objected to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also the fact that the petitioner is only a driver and he only accompanied with other accused without knowing about the money transactions,hence this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.Accordingly, 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, Theni 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:

[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 appear 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].

<https://www.mhc.tn.gov.in/judis>



WEB COPY

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/10/2023

/ TRUE COPY /

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

AAV
TO

1 The Judicial Magistrate, Theni.

2 Do through the Chief Judicial Magistrate,
Theni.

3 The Inspector of Police,
Veerapandi Police Station,
Theni District.

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

+1 CC to M/s.S.S.SUNDARAPANDIAN, Advocate (SR-14903[I] dated 10/10/2023)



WEB COPY



ORDER
IN
CRL OP(MD) No.17934 of 2023
Date :09/10/2023

SSA/JGB/13.10.2023/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023