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

Date : 16.02.2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRLOP(MD) .Nos.21688 and 22316 of 2022

1. O. Manikkavasakam

2. M. Kamayee

... Petitioners/Accused 3 & 5
in CrI.O.P.No.22316/2022

Muthukumar

...Petitioner/8th Accused
in CrI.O.P.No.21688/2022

Vs.

1. State rep. by,
The Inspector of Police,
Viruveedu Police Station,
Dindigul District.
(Cr No.206/2022).

... Respondent/Complainant
in both petitions

2. Praveenkumar

...Petitioner/Intervener
in both petitions

For Petitioner
in CrI.O.P(MD) No.22316/22

: Mr.P.Karthick

For Petitioner
in CrI.O.P(MD) No.21688/22

: Mr.M.Mohamed Sherbudeen

For Respondent

: Mr.P.Kottai Chamy
Govt. Advocte(CrI.side)

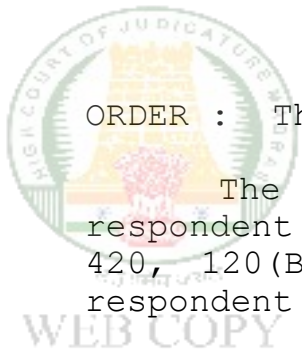
For Intervenor

: Mr. C.Vakeeswaran

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

PRAYER :-

For Anticipatory Bail in Cr No.206/2022 on the file of the
respondent police.



ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(B) of IPC in Crime No.206 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 and A2 induced the defacto complainant stating that if he purchase a vehicle by getting a loan for doing business, they will give money to him out of the profit. Believing the same, the defacto complainant purchased the Bolero Car. The accused used that vehicle and did not give money to the defacto complainant to settle the loan and hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners and the defacto complainant are friends due to misunderstanding, the complaint had been given and the matter has been compromised between the parties and the petitioners have settled the entire amount to the defacto complainant and the loan in respect of the vehicle has been cleared.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners and the defacto complainant are friends and the petitioners had induced the defacto complainant stating that if he purchase a vehicle on loan they would use the vehicle and pay profit to him and thereby they had cheated him not paying the dues to the defacto complainant. However, he would submit that the matter has been compromised and the defacto complainant has also given a letter stating that the dispute between them has been settled and the loans are also paid to the finance company.

5. The learned counsel for the intervenor would submit that the matter has been compromised between the parties.

6.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Nilakottai, Dindigul District, on condition that the petitioners shall execute 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 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 that:

[a] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

sd/-
16/02/2023

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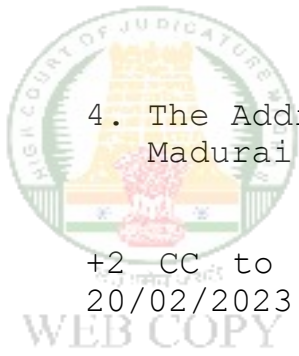
/02/2023

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

CM

TO

1. The Judicial Magistrate,
Nilakottai, Dindigul District.
2. Do through the Chief Judicial Magistrate,
Dindigul District.
3. The Inspector of Police,
Virusveedu Police Station,
Dindigul District.



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

+2 CC to M/s.C.VAKEESWARAN, Advocate (SR-2490(I), 2491[I] dated
20/02/2023)

ORDER
IN
CRL OP (MD) No.21688 and 22316 of 2023
Date : 27/02/2023

NA/CG/SAR-I/27.02.2023/4P/7C