



CRL OP(MD) No.1116 of 2024

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

Wednesday, the Twenty Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1116 of 2024

MUNIYAPPAN

... PETITIONER / ACCUSED No.3

Vs

**THE INSPECTOR OF POLICE
THANTHONIMALAI POLICE STATION,
KARUR DISTRICT.
CRIME NO.369/2023.**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.PRITHVIRAJ.C Advocate

**For Respondent : MR.P.KOTTAICHAMY,
Govt. Advocate (Crl. Side)**

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

PRYAER:

**FOR ANTICIPATORY BAIL IN CRIME NO.369/2023 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for



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the alleged offence under Sections 379, 406 and 420 IPC, in Crime No.369 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the the defacto complainant bought a TATA MAXI CAB 407 bearing Registration No.TN 65 B 5909 from one Muthusamy and subsequently, it was sold to one Venkatesan. Even after the sale, all the documents were in the name of the defacto complainant. On 25.06.2023 at about 7.45 am., the said Venkatesan's driver namely Prakash has parked the vehicle near Sunkaliyoor and on the next day, the vehicle was not there. On enquiry, it was found that one Manikandan has taken away the vehicle illegally. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that only based on the confession statement of the co-accused, this petitioner has been implicated as the accused in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent

Police would submit that the petitioner obtained a loan from a finance company by

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pledging his vehicle. Thereafter, he has not paid the EMI and so, the finance company secured the vehicle and sold the same to the defacto complainant. On 26.06.2023, the petitioner went to the defacto complainant's house and stolen the vehicle. When the said vehicle was secured from the petitioner, he misbehaved with the respondent Police, hence, one another First Information Report also registered against the petitioner.

5. The learned counsel for the petitioner would further submit that the said Finance company illegally secured the vehicle and sold the same to the defacto complainant is not sustainable one. Hence, he prays for granting anticipatory bail to the petitioner.

6. Considering the facts and circumstances of this case and also considering the fact that the stolen vehicle was recovered from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of



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fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur, 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 likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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

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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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
24/01/2024

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/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,KARUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
THANTHONIMALAI POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.C.PRITHVIRAJ, Advocate (SR-1092[I] dated 29/01/2024)

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ORDER

IN

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Date :24/01/2024

PKP/GS/SAR /01.02.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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