



CRL OP(MD) No.2802 of 2024

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

Tuesday, the Twenty Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2802 of 2024

PITCHUMANI

... PETITIONER/ ACCUSED NO.4

Vs

THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.
CRIME NO.520 OF 2023.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.JEGADEESH PANDIAN, Advocate

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

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.520 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 294(b), 379, 420, 448 and 506(i) of IPC, in



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Crime No.520 of 2023, on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner along with the other accused induced the defacto complainant to purchase a car, which was under hypothecation with IndusInd Bank, Sivakasi Branch for a sum of Rs.3 lakhs. Believing their words, the defacto complainant given a sum of Rs.3 lakhs. on 15.12.2022, at about 07.00 p.m, the petitioner along with other accused took away the Car. Thereafter, they paid only Rs.50,000/- and also assured to repay the balance within a week and thereafter, failed to repay the same. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the the co-accused was already enlarged on bail by the lower Court. Accordingly, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State submitted that the investigating is still pending. However, he fairly conceded that the co-accused was already enlarged on bail by the lower Court.



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5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

6. Considering the above facts and circumstances of the case and also considering the fact that the co-accused was already enlarged on bail by the lower Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli District, 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 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



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stand automatically cancelled;

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(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) after the seizure procedure is over, the concerned Magistrate and the respondent Police are directed to comply with the guidelines enumerated under section 52(A) of NDPS Act and as per the guidelines issued by the Hon'ble Supreme Court of India in the case of Union of India Vs. Mohanlal and Another ((2016) 3 SCC 379).



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(g)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]; and;

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

sd/-
27/02/2024

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/03/2024
Sub-Assistant Registrar (CS- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI CITY.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.M.JEGADEESH PANDIAN, ADVOCATE (SR-2430[I] DATED
27/02/2024)

ORDER
IN
CRL OP(MD) No.2802 of 2024
Date :27/02/2024

RK/GS (04/03/2024) 6P / 6C

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