



CRL OP(MD) No.3306 of 2024

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

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3306 of 2024

R.KANNAN

... PETITIONER/ ACCUSED -4

Vs

THE INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.12 OF 2024.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.SATHISH KUMAR, Advocate
for M/S.K.MURUGANANTHAM, Advocate
For Respondent : MR.P.KOTTAICHAMY, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.12 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.4, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections 406 and 420 of
I.P.C., in Crime No.12 of 2024, on the file of the respondent Police, seeks anticipatory
bail.



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2. The case of the prosecution is that the first accused has purchased a tractor from the defacto complainant for the value of Rs.8,00,000/- and he has paid a sum of Rs.1,00,000/- as an advance.. It is alleged that the petitioner along with Accused Nos.2 to 4 have sold the vehicle to some other person and cheated the defacto complainant and the Accused No.1 did not repay the balance amount. 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. He would further submit that the tractor was seized from the accused persons and the same was handed over to the defacto complainant. Accordingly, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other co-accused persons cheated the defacto complainant and sold the vehicle to some other persons without repaying the remaining amount. He would further submit that during the pendency of the petition, the tractor has been recovered from the accused persons and handed over the same to the defacto complainant.

5. Considering the facts and circumstances of the case and also considering the fact that the tractor has been recovered from the accused persons, this Court is inclined to grant anticipatory bail to the petitioner.



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6. 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kumbakonam, 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 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 for a period of two weeks at 10.30 A.M. 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;



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(f) 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]; and;

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

sd/-
01/03/2024

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/03/2024

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

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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



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ORDER

IN

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Date :01/03/2024

RS/VR/SAR-(07.03.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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