



CRL OP(MD) No.3896 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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NIZAMUDEEN SYED MUSTHAFA

... PETITIONER/ ACCUSED-1

Vs

THE INSPECTOR OF POLICE
LALGUDI POLICE STATION,
LALGUDI, TRICHY.
CRIME NO.700/2021.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SIVABALAN,
Advocate

For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.700/2021 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
the alleged offence under Sections 406 and 420 of IPC in Crime No.700 of 2021, seeks



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anticipatory bail.

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2.The case of the prosecution is that the defacto complainant is the owner of two cars. The petitioner approached the defacto complainant for car on rent basis and he initially took the Tavera car and thereafter, he took the Xylo car on rent basis. The defacto complainant insisted the petitioner to return of vehicle and when the defacto complainant secured one of the cars from A4, he found that one Murugesan and Arul pledged the Tavera Car to the A3. When the petitioner and the defacto complainant insisted A3 to return of vehicle, he demanded the pledged amount from the petitioner. The defacto complainant demanded the rental amount from the petitioner and the same was not paid by the petitioner. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. On the date of alleged occurrence, the petitioner was on training in Pudukkottai Armed Reserve Police Ground from 17.08.2020 to 18.10.2020. Further, the petitioner already paid Rs.1,00,000/- to the defacto complainant. Further, on instruction, he would submit that the petitioner is ready to deposit a sum of Rs.2,25,000/- to the credit of Crime No.700 of 2021 before the concerned trial Court, without prejudice his rights. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from



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the defacto complainant that if the petitioner succeeds in the trial, liberty may be given to the petitioner for refund of the said amount. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi, Trichy, 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 two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall deposit a sum of Rs.2,25,000/- (Rupees Two Lakhs and



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Twenty Five Thousand only) to the credit of the Crime No.700 of 2021 before the concerned trial Court, without prejudice to his defence before the trial Court, within a period of two weeks from the date of receipt of copy of this order. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, the petitioner is entitled for refund of the said amount;

(c)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;

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

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

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

(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;



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

sd/-
21/03/2024

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/05/2024

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, LALGUDI, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, LALGUDI POLICE STATION,
LALGUDI, TRICHY.

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

ORDER
IN

CRL OP(MD) No.3896 of 2024

Date :21/03/2024

RS/JGB/SAR-(06.05.2024) 5P 5C
Madurai Bench of Madras High Court is issuing
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