



CRL OP(MD) No.4428 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4428 of 2024

1 GOWTHAM ALIAS GOWHAM CHAKARAVATHY,

2 AARADHANA

... PETITIONERS / ACCUSED No.1 & 2

Vs

THE INSPECTOR OF POLICE  
ANNA NAGAR POLICE STATION,  
MADURAI CITY.  
CRIME NO.179/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SANTHANAM RAJESH KUMAR.B, Advocate

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

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.179/2024 ON THE FILE OF THE  
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police  
for the alleged offence under Sections 406 and 420 IPC in Crime No.179 of 2024, seek  
anticipatory bail.



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2.The case of the prosecution is that the petitioners contacted the defacto complainant for buying a car through OLX App, and the defacto complainant and the petitioners created an unregistered agreement and the petitioners have stated that they will pay the amount in installment basis. However, the petitioners have paid only four installments and did not pay the balance amount. When the defacto complainant approached the petitioners to settle the balance amount, they refused to pay the amount. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. She would further submit that the car was recovered from the petitioners through Recovery Agency. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the investigation is yet to be completed.

5. The learned counsel appearing for the intervenor submits that the car was recovered from the petitioners through the Recovery Agency.



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6. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioners and the fact that the car was recovered from the petitioners through the Recovery Agency, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the **learned Judicial Magistrate No.VI, Madurai District**, on condition that the petitioners shall execute a 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 and on further condition that:

(a)if the petitioners 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;



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(c)the first 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 and the second petitioner shall report before the respondent police as and when required for interrogation;

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

(e)the petitioners 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 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/-  
20/03/2024

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

SSB



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TO  
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- 1 THE JUDICIAL MAGISTRATE NO.VI  
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.
- 3 THE INSPECTOR OF POLICE  
ANNA NAGAR POLICE STATION,  
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.4428 of 2024  
Date :20/03/2024

SS/JGB/SAR- /25/03/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023