



CRL OP(MD) No.4533 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

CRL OP(MD) No.4533 of 2024

R.SAKTHI @ SAKTHIVEL

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
ARANTHANGI,
PUDUKOTTAI DISTRICT.
CR.NO.648/2023

... RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : MR.R.VIGNESH, 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. 648/2023 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 the alleged offence under Sections 294(b), 506(i), 420 and 406 of IPC in Crime No.648 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant pledged his two

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cars with the first accused and obtained a sum of Rs.5,00,000/-, for which, he paid monthly interest without fail. When the defacto complainant requested to return his car and agreed to pay a sum of Rs.10,00,000/-, the accused persons refused to return the same and scolded him using filthy language and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The defacto complainant borrowed money from the A2 only by pledging his car and this petitioner is no way connected with the transaction between the defacto complainant and the A2. Further, on instruction, he would submit that the petitioner is ready to deposit a sum of Rs.4,50,000/- to the credit of Crime No.648 of 2023 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 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 counsel for the intervenor would submit that admittedly, the defacto complainant pledged his two cars with A1 and received Rs.5,00,000/- from him. Later, A1 returned one of the cars and the another car was sold in the open



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market. When the petitioner filed a petition for anticipatory bail before the Principal Sessions Court, Pudukkottai, that matter was referred to the Mediation Centre. Before the Mediation Centre, the A2 namely Vanitha and her husband appeared and agreed that the petitioner and the said Vanitha will repay the amount of Rs.9,65,000/- to the defacto complainant. However, the Mediation agreement was not honoured. Thereby, the concerned Court dismissed the anticipatory bail petition and suppressing the same, the present petition has been filed.

5.The learned Government Advocate (Crl.Side) would submit that investigation is pending. Further, the petitioner and the second accused have not honoured the agreement entered before the Mediation Centre. The defacto complainant pledged his car with the accused persons and borrowed a sum of Rs.5,00,000/- and when he asked to return the same, he came to know that the same was sold in the open market and thereby cheated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Government Advocate (Crl.Side) and perused the materials available on record.

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



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8. 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 six weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aranthangi, 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.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only) to the credit of the Crime No.648 of 2023 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



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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;

(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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/04/2024

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



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TO

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1 THE JUDICIAL MAGISTRATE, ARANTHANGI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, ARANTHANGI POLICE STATION,
ARANTHANGI, PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.R.VIGNESH, Advocate (SR-3509[I] dated 21/03/2024)

ORDER

IN

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Date :21/03/2024

RS/JGB/SAR-(16.04.2024) 6P 6C

Madurai Bench of Madras High Court is issuing
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