



CRL OP(MD). No.7331 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.05.2024

PRESENT

The Hon`ble Mrs.Justice L.VICTORIA GOWRI

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Babu

... Petitioner/4th Accused

Vs

The Inspector of Police,
S.S.Colony Police Station,
Madurai District.
(Crime No.128 of 2024)

... Respondent/Complainant

For Petitioner : Mr.A.Subramanian, Advocate.

For Respondent : Mr.SS.Madhavan, Government Advocate (Crl. Side).

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.128 of 2024 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 offences punishable under Sections 406 and 420 IPC, in Crime No.128 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was lending his

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car for rent through online. On 14.02.2024, the accused 1 and 2 have obtained the defacto complainant's car and promised that they will return the car on 15.02.2024 at night, but they have not returned the car and when the defacto complainant went to the first accused house and asked him about his car, the first accused told him that the third accused and the petitioner have taken away the car, for which, the defacto complainant contacted the third accused and the third accused told him that the petitioner has given Rs.20,000/- to him and taken away the car. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the first accused was already granted anticipatory bail by the Sessions Court and based on the confession statement given by the accused 2 and 3, the petitioner was implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the State submitted that the property was recovered.

5. Considering the facts and circumstances of the case and also the facts that the first accused was already granted anticipatory bail and that the property was recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, 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.5, Madurai, 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 learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 is 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].



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[f]If the accused thereafter absconds, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
29/05/2024

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/06/2024

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

CSM

TO

- 1 THE JUDICIAL MAGISTRATE NO.5, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, S.S.COLONY POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.7331 of 2024

Date :29/05/2024

RS/JGB/SAR-(03.06.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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