



CRL OP(MD)No.7391 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

CRL OP(MD)No.7391 of 2024

Dhivakar

... Petitioners/ Accused No.1

Vs

The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.179 of 2023)

... Respondent/Complainant

For Petitioner : Mr.N.Ananda Kumar, Advocate

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.179 of 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 offences punishable under Sections 294(b), 560 (I) and 392 I.P.C. in Crime No.179 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that due to default of payment, the petitioner's finance company, viz., Kodak Mahindra Finance, seized the the vehicle of the petitioner from the defacto complainant's office. But, the petitioner blaming the defacto complainant, took another vehicle from the office of the defacto complainant, abused him in 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 is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner gave vehicle for service in the Show Room and the defacto complainant is the Branch Manager of the Show Room. Thereafter, the vehicle was found missing in front of the showroom and took another vehicle which came for service in the Show Room. The vehicle of the petitioner was seized by his finance company, viz., Kodak Mahindra Finance.

5. Considering the facts and circumstances of the case and considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of



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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.II, Kulithalai, Karur, 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 is directed to surrender the bike, which was taken by him, without prejudice his defence. 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 30 days 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/-
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Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

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

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-5597[I] dated 22/05/2024)

ORDER
IN

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Date :22/05/2024

RS/VR/SAR-(23.05.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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