



CRL OP(MD). No.8754 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.8754 of 2024

Kalaiselvan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
(Crime No.67/2024)

... Respondent/Complainant

For Petitioner : M/s.P.Balamurugan, Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.67/2024 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 punishable under Sections 406 and 420 of IPC in Crime No.67 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased a old

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tipper lorry from the petitioner, for which, he paid Rs.3 lakhs as an advance and the total sale consideration is Rs.13,65,000/-. Thereafter, on the instruction of the petitioner, the defacto complainant also paid Rs.5 lakhs to the father-in-law of the petitioner on 01.04.2023. Subsequently, the petitioner's vehicle was hypothecated to the bank. The defacto complainant also spent Rs.1,50,000/- towards insurance, road tax and other maintenance charges. In these circumstances, on 15.05.2024, at about 08.30 a.m., the petitioner and two unknown persons took away the vehicle. When the same was questioned by the defacto complainant, the petitioner threatened the defacto complainant and also violated the sale agreement.

3.The learned counsel appearing for the petitioner submits that it is only a sale agreement and he has received Rs.3 lakhs and has also handed over the lorry to the defacto complainant. He further submits that the defacto complainant has committed two accidents and criminal cases have been registered and therefore, he insisted the defacto complainant to return the vehicle, for which, the defacto complainant has foisted a false complaint against the petitioner.

4.The learned Government Advocate (Crl. side) for the respondent strongly opposes for the grant of anticipatory bail on the ground that the investigation is yet to be completed.



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

6. Accordingly, this criminal original petition is allowed and 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, Singampunari, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

- i. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
- ii. The petitioner shall appear before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.
- iii. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

The petitioner shall be available for the trial as well.

- iv. On violation of any of the above conditions by the petitioner, the



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respondent police shall move an application for cancellation of the anticipatory bail.

sd/-

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

SJI

TO

1 THE JUDICIAL MAGISTRATE, SINGAMPUNARI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.BALAMURUGAN, Advocate (SR-6568[I] dated 18/06/2024)

ORDER IN

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Date :14/06/2024

RS/VR/SAR-(26.06.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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