



CRL OP(MD). No.13783 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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... Petitioner/Sole Accused

Vs

The Inspector of Police,
Theni Police Station,
Theni District.
Crime No.318 of 2024

... Respondent/Complainant

For Petitioner : M/s.K.Mansoor Alikhan, Advocate.

For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.318 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC, in Cr.No.318 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant handed over his

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two wheeler to the petitioner for repair and paid a sum of Rs.4,000/-. When the defacto complainant asked about his two wheeler, the petitioner demanded a sum of Rs.60,000/- and also made threat against the defacto complainant. Hence, the complaint.

3.Heard both sides.

4.It is seen that the petitioner is a mechanic. The defacto complainant after giving his bike for repair, the petitioner has invested a sum of Rs.60,000/- and replaced the engine. The defacto complainant is now insisting the petitioner that the bike should be returned without any money. Their legal notices have been exchanged and the earlier complaint is also enquired and closed.

5.I am in agreement with the submission of the learned counsel for the petitioner. But, in any event, the petitioner cannot retain the bike. If the engine is purchased by him, he can remove the new engine and fix the old engine and surrender the bike to the respondent police. On that condition, 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 arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only)



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with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) If the engine is purchased by him, he can remove the new engine and fix the old engine and surrender the bike to the respondent police;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of one weeks and thereafter, as and when required for interrogation;

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

(e) the petitioner 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 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;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
22/08/2024

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/09/2024

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

DSS

TO

1 THE JUDICIAL MAGISTRATE, THENI.

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

3 THE INSPECTOR OF POLICE, THENI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.K.MANSOOR ALIKHAN, Advocate (SR-10263[I] dated 22/08/2024)

ORDER IN

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Date :22/08/2024

RS/JGB/SAR-(05.09.2024) 4P 6C

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