



CRL OP(MD). No.14965 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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* 1. Sajeelv Thomas @ Sajeelv P.Thomas
2. Hinaba Palakal @ Haneefa Pallakkal

... Petitioners/ Accused No.3 & 4

Vs

The Inspector of Police (Crime)
S.S Colony Police Station,
Madurai.
Crime No.560 of 2024

... Respondent/Complainant

For Petitioners : Mr.M.Saravanan, 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.560 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners /Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.560 of 2024, seek anticipatory bail.



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2.The case of the prosecution is that the defacto complainant who was the owner of three buses(KL 59 E 69, KL 09 V 525 and KL 09 M 2806), exchanged the same with other three buses (KL-13-AB-7576, KL-58-N-8010 and KL-08 BB 1199) for which the A1 and A2 rendered loans of Rs.17,00,000/-, 13,00,000/- and Rs.12,00,000/- respectively. Since the defacto complainant has failed to pay EMI regularly, the said buses were recovered. However, the petitioners and other accused are neither handing over the said buses nor the advance paid by the defacto complainant. Aggrieved over the same, the defacto complainant file a petition under Section 156(3) of Cr.P.C. In Cr.M.P.No.1675 of 2024 on the file of the learned Judicial Magistrate No.V, Madurai, in which the Court vide order dated 18.06.2024 directed the respondent police to register a case and conduct the investigation, upon which the respondent police filed the case in Cr.No.560 of 2024 for the offence under Sections 406, 420 and 506(i) of IPC.

3.Heard the learned counsel on either side and perused the material records of the case.

4.Considering that fact that the dispute has been going on for long between the parties and considering the fact that there is also an award passed by the arbitrator and considering the fact that the present FIR is registered after the case being referred by the learned Judicial Magistrate No.V, Madurai in Cr.M.P.No.1675 of



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2024, I am inclined to enlarge the petitioners on anticipatory bail with certain conditions.

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5. Accordingly, this Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

sd/-
06/09/2024

(*) Corrected as per order of the Court
dated 03.12.2024 in CRL OP(MD)
No.14965 of 2024)

/ TRUE COPY /

03/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 06/09/2024 ALREADY
DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE (CRIME),
S.S COLONY POLICE STATION,
MADURAI.

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

+1 CC to M/s.M.SARAVANAN, Advocate (SR-14840[I] dated 03/12/2024)

ORDER
IN

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Date :06/09/2024

RS/VR/SAR-(27.09.2024) 5P 6C
ED/ /SAR- (03/12/2024) 5P / 6C

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