



CRL OP(MD). No.15488 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15488 of 2024

1. Murugan

2. K.Sivasubramanian

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

Cr. No. 172/2024

... Respondent/Complainant

For Petitioner : M/s Susi Kumar.C, Advocate.

For Respondent : Mr.A.Albert James, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.172 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 109 r/w. 379 IPC in Crime No.172 of 2024, seek anticipatory bail.



CRL OP(MD). No.15488 of 2024

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2.The case of the prosecution is that since the defacto complainant failed to pay the monthly installments, without his knowledge, the petitioners herein, who are working as the collection Managers at Hero Fincrop Ltd., have seized the bike of the defacto complainant. Hence, the case.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondent Police and perused the materials available on record.

4. Considering the nature of the allegations that the petitioners are employees of a financial institution, who said to have taken their law into their own hands while recovering Two Wheeler and thereafter, they returned the vehicle and considering the submission made by the learned counsel for the petitioners that they will never indulge in wrong seizing the vehicles except by due process of law, I am inclined to enlarge the petitioners on bail.

5.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on 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.I, Thirunelveli, 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



CRL OP(MD). No.15488 of 2024

or to the satisfaction of the learned Magistrate concerned and on further conditions
that:

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(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) As per the undertaking, the petitioners shall file an affidavit before the trial Court that they will not seize any vehicle whether in the capacity of employee or otherwise, except by due process of law.

(c) the petitioners shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

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

(e) the petitioners 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 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;



CRL OP(MD). No.15488 of 2024

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

sd/-
13/09/2024

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/10/2024

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-11380[I] dated 18/09/2024)

ORDER IN
CRL OP(MD) No.15488 of 2024
Date :13/09/2024

RS/JGB/SAR-(01.10.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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