



CRL OP(MD). No.17826 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17826 of 2024

Amal Raj

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
South Police Station,
Thoothukudi District.
(Crime No. 444/2024.)

... Respondent/Complainant

For Petitioner : M/s. Arun Ramnath. A, Advocate.

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

For Intervenor : Mr.G.Radhakrishnan

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.444 of 2024 on the file of the Respondent police.



CRL OP(MD). No.17826 of 2024

ORDER: The Court made the following order :-

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The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.444 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had given his lorry bearing Registration No.TN-69-AC-9432 to the accused herein based upon oral agreement between them. After that, the accused had not paid the agreed amount and trying to sell the vehicle.

3.Heard. Perused the materials available on record including the First Information Report.

4.Considering the nature of allegations in this case that the petitioner with whom the defacto complainant has entrusted the lorry is said to have sold it to a third party and the money has not yet been recovered and the learned counsel for the intervener opposing the grant of anticipatory bail by saying that it is only the petitioner who is responsible and the amount should be recovered only from the petitioner herein and considering the argument of the learned counsel for the petitioner that only for sale the lorry was entrusted to the third person and he has not paid the money as such, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions:



CRL OP(MD). No.17826 of 2024

5. Accordingly, 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 on which the order copy made ready, before the learned Special Judicial Magistrate No.1, Thoothukudi District, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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] the petitioner 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.

[c] the petitioner shall not tamper with 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 released on bail by the



CRL OP(MD). No.17826 of 2024

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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6.The learned Additional Public Prosecutor has verified about the earlier statement which is said to have been given before the Nallipalayam Police Station, Namakkal District. In view thereof, if the subsequent purchaser is required to be arrayed as an accused and the vehicle has to be recovered, the Investigating Officer shall consider the same and proceed accordingly with the investigation further.

sd/-
25/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Special Judicial Magistrate No.I,
Thoothukudi District.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.



CRL OP(MD). No.17826 of 2024

3.The Inspector of Police,
South Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.

ORDER
IN

CRL OP(MD) No.17826 of 2024

Date :25/10/2024

ED/ SKN /SAR- (13/11/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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