



CRL OP(MD). No.20926 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Komu @ Komuammal

... Petitioner/ Accused No.3

Vs

1. The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
Crime No.36 of 2022.

2. The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar Taluk,
Virudhunagar District.

... Respondents/ Complainants

For Petitioner : Mr.G.Mariappan, Advocate
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime no.36 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(b), 406, 420, 294(b), 506(i) IPC in Crime No.36 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 is the son of the petitioner (A3) who was the owner of the vehicle. He wanted to sell the vehicle for a total sale consideration of Rs.16,80,000/- The defacto complainant expressed his willingness to purchase the vehicle and also paid a sum of Rs.15 lakhs. While, A1 purchased the vehicle, he has also availed a loan from a private Finance Company. Therefore, he informed the defacto complainant that he will get a No-objection Certificate and thereafter, sell the vehicle. A1 is said to have demanded a further sum of Rs.43,000/- from the defacto complainant and the same has been paid to him. The vehicle was also handed over to the defacto complainant. On 23.08.2021, the persons from the Finance Company came to the house of the defacto complainant and informed him that the dues have not been paid. The defacto complainant immediately approached the accused persons and informed that the vehicle has been taken away and demanded for the repayment of the amount. At that point of time, he was abused in filthy language and he was threatened with dire consequences. There are totally three accused persons in this case and the petitioner has been arrayed as A3.

3. Heard the learned counsel appearing for the petitioner and the learned



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Government Advocate (Crl.Side) appearing for the respondent.

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4.Taking into consideration of the facts and circumstances of the case and the nature of allegations that have been made mainly against A1, who is the son of the petitioner (A3) and considering the fact that this petitioner was not completely involved in the transaction and he is said to have only abused the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory 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 No.II, Virudhunagar, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] 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.



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[c] the petitioner shall report before the respondent Police 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-
29/11/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

<https://www.mhc.tn.gov.in/judis>



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3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE, VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR TALUK, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-14738[I] dated 29/11/2024)

ORDER
IN

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Date :29/11/2024

RS/VR/SAR-(10.12.2024) 5P 7C
Madurai Bench of Madras High Court is issuing
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