



CRL OP(MD) No.21493 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21493 of 2023

SANTHOSH @ SANTHOSHKUMAR

... Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.105/2023)

... Respondent / Complainant

For Petitioner : M/S.Ramasamy, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 105/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 406 and 420 of IPC in Crime No.105 of 2023, seek
anticipatory bail.



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2. The case of the prosecution is that the defacto complainant approached the accused Nos.2 and 3 to purchase a Toyota Innova Crysta Z Series Car, for which, he initially paid Rs.5,50,000/- as booking charges and thereafter, he handed over the Demand Draft for a sum of Rs.24,50,000/- by obtaining loan from the Bank to the A2 and A3 and in turn, the accused Nos.2 and 3 told him that the amount was handed over to the first accused and also informed that the car would be received within few months. Later, the defacto complainant approached the RTO office, at that time, he came to know that the accused Nos.2 and 3 booked Urban Cruzer Car and registered in his name bearing Registration No.TN 75 AX 2316 and thereby cheated. Hence, the present complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further, it is a property dispute between the defacto complainant and the accused nos.2 and 3. This petitioner is no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that already co-accused were released on bail and the investigation is at preliminary stage. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the



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fact that co-accused were released on bail and there is no contract between this petitioner and the defacto complainant, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police as and when required;



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(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 229-A IPC.

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

1.The Judicial Magistrate No.I,
Kuzhithurai.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.



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3.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

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

+1 CC to M/s.S.RAMASAMY, Advocate (SR-265[I] dated 05/01/2024)

ORDER
IN
CRL OP(MD) No.21493 of 2023
Date :04/01/2024

ED/ DD /SAR- (12/01/2024) 5P / 6 C

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