



CRL OP(MD) No.23336 of 2023

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

Monday, the Fifth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23336 of 2023

SHAHUL HAMMED

... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
TRICHY CITY.
CRIME NO.324 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SURLIRAJA P Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.324 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 406, 420 and 506(i) of IPC, in Crime
No.324 of 2023, seeks anticipatory bail.



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2.The case of the prosecution is that the defacto complainant is the owner of the Car and he pledged the same to the tune of Rs.1,10,000/- to A2 through A1. However, after the payment of the entire amount, the said Car was not returned to the defacto complainant. Thereby, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the defacto complainant pledged the Car only with A2 and there is no money transaction between the petitioner and the defacto complainant. Further, the disputed Car was recovered by the respondent police. Hence, he prayed for granting anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the disputed Car was recovered from the accused.

5.Considering the facts and circumstances of the case and also considering the fact that the property was recovered from the accused, this Court is inclined to grant anticipatory bail to the petitioner.



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6. 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 of receipt of a copy of this order, before the learned **District Munsif cum Judicial Magistrate, Srirangam, Trichy 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 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 his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(c) **the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders;**

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



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(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/-

05/02/2024

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

DSS

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
SRIRANGAM, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
TRICHY CITY.



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

ORDER
IN
CRL OP(MD) No.23336 of 2023
Date :05/02/2024

SS/JGB/SAR- /12/02/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023