



CRL OP(MD). No.23112 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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Rajkannan

... Petitioner/4th Accused

Vs

State of Tamil Nadu,
represented by The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
(Crime No.172/2024)

... Respondent/Complainant

For Petitioner : Mr.A.Feroz Khan
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.172 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/4th Accused, who apprehends arrest at the hands of the



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respondent for the offences punishable under Sections 120(B), 406 and 420 IPC., in

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Crime No.172 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had engaged the petitioner to recover his vehicle from the accused 1 to 3, who had taken the vehicle for rent and did not return the same and that the petitioner, after receiving money for recovering the vehicle, failed to recover the vehicle and hence, the present complaint has been lodged by the defacto complainant against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case. He has not committed any offence as alleged by the prosecution, there is a money dispute between the parties, however he is ready to offer sufficient sureties and to abide any conditions imposed by this Court. Hence, prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant had engaged the petitioner to recover his vehicle from the accused 1 to 3, who had taken the vehicle for rent and did not return the same and that the petitioner, after receiving money for recovering the vehicle, failed to recover the vehicle and hence, the present complaint has been lodged by the defacto



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complainant against the petitioner and the vehicle is not yet recovered and the investigation is at initial stage, thereby strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, the nature of offences, no vehicle had entrusted to this petitioner and no previous case is pending against the petitioner. Even according to the prosecution, this petitioner was also searching the accused 1 to 3 along with the defacto complainant and the defacto complainant himself engaged this petitioner to search the accused 1 to 3 and also considering all other factors, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory bail on condition to 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 Judicial Magistrate, Thiruvaiyaru and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

sd/-

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/01/2025

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

DAS



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TO

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1 THE JUDICIAL MAGISTRATE
THIRUVAIYARU.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.23112 of 2024

Date :27/12/2024

SS/SKN/SAR- /02/01/2025/ 5P/5C

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