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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.01.2025

PRESENT

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.1605 of 2025

Naresh

... Petitioner/ Accused

Vs

State of Tamil Nadu
represented by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
(Crime No.292 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.K.Govindarajan,
for Mr.S.Kishore Kumar
Advocate

For Respondent : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS.



WJ PRAYER:-

For Anticipatory Bail in Crime No.292 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406 & 420 of IPC, in Crime No.292 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the son of the de facto complainant, namely Senthil Kumar, had borrowed a sum of Rs.9,00,000/- from a private financial bank. He has settled the amount that was borrowed by the petitioner and transferred the balance amount to the petitioner towards the sale consideration of the car that was sold in favour of the de facto complainant's son by the petitioner. It is further alleged that the son of the de facto complainant died and the petitioner was not taking steps to get the No Objection Certificate from the Kotak Mahindra Bank. Accordingly, the amount paid was neither returned nor the car was handed over.

3. Heard the learned counsel on either side and perused the material records of the case.



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4. The specific case of the petitioner is that the car has already been handed over to the son of the de facto complainant, and the petitioner is not in possession of the car. The learned counsel for the petitioner submitted that if ultimately the police finds that the petitioner is in possession of the car, it can be taken away from the petitioner, and the petitioner will not have any objection for the same.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the entire facts are borne by records and no custodial interrogation may be required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Madurai, 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:



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[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 on every Monday at 10:30 a.m. for a period of 4 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 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

Sd/-
28/01/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai -625 023

JEN

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
- 2 DO -THROUGH-THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THILAGAR THIDAL POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.1605 of 2025
Date :28/01/2025

ES/SKN/SAR /03.02.2025/ 5P/5C

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