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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.11075 of 2024

and

CRL MP(MD). No.7598 of 2024

Peter Anosin

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Represented by The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
Crime No. 131/2024.

... Respondent/Complainant

For Petitioner : Mr.K.Rajesh, Advocate

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

For Intervenor : Mr.B.Mahendrarajan, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



PRAYER:-

For Anticipatory Bail in Crime No. 131 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 offence under Sections 294(b), 323, 420 and 506(ii) of IPC in Crime No.131 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had purchased a tractor and it was handed over to the petitioner for agricultural purposes on rental basis. It is alleged that the petitioner refused to return back the tractor to the defacto complainant. As a result, there was a wordy quarrel and the petitioner is said to have abused the defacto complainant in filthy language and threatened with dire consequences and also refused to give back the vehicle.

3. This Court considering the nature of dispute, thought it fit to refer the parties to mediation. The parties were not able to reach any settlement in this case and hence a report has been filed and the matter has been posted before the Court.



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4.The learned counsel appearing for the petitioner submitted that the petitioner is willing to return back the tractor to the defacto complainant and that the settlement did not go through since the defacto complainant was also demanding for money.

5.The learned Counsel for the defacto complainant submitted that EMI has to be paid to the finance company and hence the defacto complainant wanted the petitioner to get a NOC from the finance company.

6.In the considered view of this Court, the dispute between the parties cannot be gone into in this petition. In the light of the submission made by the learned Counsel for the petitioner that the petitioner is willing to return back the vehicle to the defacto complainant, the said undertaking shall be complied with by the petitioner.

7.In the light of the above discussion, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is ordered. Consequently, connected miscellaneous petition is closed. The petitioner is ordered



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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, Thiurvadana, Ramnathapuram 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 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.

[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;



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[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 2023.

[h] The petitioner shall hand over the tractor to the respondent police within a period of one week from the date of receipt of a copy of this order. It is left open to the defacto complainant to take back the tractor from the police station if he so desires. In the absence of the same, the respondent police shall show it as a case property by filing appropriate form before the Magistrate Court.

Sd/-
22/01/2025

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

lr



TO
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- 1 THE JUDICIAL MAGISTRATE
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.RAJESH, Advocate (SR-665[I] dated 23/01/2025)

ORDER
IN

CRL OP(MD). No.11075 of 2024 and
CRL MP(MD). No.7598 of 2024
Date :22/01/2025

ES/SKN/SAR /10.02.2025/ 6P/ 6C

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