



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

Monday, the Seventh day of December Two Thousand Fifteen

PRESENT

THE HON`BLE MS.JUSTICE V.M.VELUMANI

CRL OP(MD) No.23097 of 2015

SHAJU

... PETITIONER /3rd ACCUSED

Vs

THE STATE REP BY ITS THE INSPECTOR OF POLICE
THALAIYOOTHU POLICE STATION,
TIRUNELVELI DISTRICT.
[CRIME NO. 82/2009]

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.R.DURAI RAJ Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as 3rd accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC @ 392,120(b) of IPC in Crime No.82 of 2009 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the de facto complainant is the owner of the cement company. The second accused was working in the de facto complainant's cement factory. On 22.03.2009, when the lorry was loaded with 50kgs of cement, A2 abducted the above lorry along with the cement bags and sold the same..

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case and he prays for granting of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner is the driver of the Lorry and the accused persons conspired together to commit theft of cement from the de facto complainant company, worth about Rs.11,00,000/-. He further submitted that the petitioner is residing at Kerala and the NBW is pending against the petitioner, dated 21.06.2010.

5. Considering the gravity of offence and the also considering the NBW issued against the petitioner is pending, this Court is not inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the Criminal Original Petition is dismissed.

sd/-
07/12/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE, THALAIYOOTHU POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23097 of 2015
Date :07/12/2015

GJM/GSV/AN/SAR-I-10.12.2015-2p-3c