



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

Wednesday, the Ninth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10046 of 2017

KUMAR @ VELKUMAR

... PETITIONER / A4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION, MADURAI,
CR NO. 333/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.M.MOHAN GANDHI Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

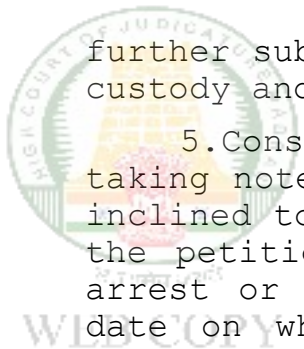
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 4 of TNPPDL Act, 1992 in Crime No.333 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the consignment of 65 barrels of transformers oils was transported to Tamil Nadu Electricity Board, Sub Station, Thennampatti, Thoothukudi District from Hyderabad in Torus lorry bearing No.TN 25 V 6255 and when it cross the Kodanadu, the accused said to have taken away the cigarette pockets and also kurkure, which was loaded in the said torus lorry and thereafter, the accused said to have set fire of the consignments and it was burnt and the damaged to the articles was assessed to worth about Rs.10,41,950/-.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner did not commit any offence as alleged by the de facto complainant and the name of the petitioner is not found in the FIR. He also submitted that the petitioner is implicated in this case, only as per the confession of the A1 in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that FIR was registered against the 4 unknown persons and during investigation, on the basis of confession given by the A1, remaining accused are implicated in this case and the petitioner is arrayed as A4. He



further submitted that A1, A2 and A4 were arrested and they were in custody and the and investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that the alleged overt act attributed, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Vadipatti, 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 and on further condition that:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

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

[d]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).

sd/-
09/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VADIPATTI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.MOHAN GANDHI Advocate SR.No.28562

ORDER
IN
CRL OP(MD) No.10046 of 2017
Date :09/08/2017