

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.16903 of 2018

ABDUL RAHMAN,

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VELAGOUNDAMPATTY POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.330 OF 2017.

For Petitioner : M/S.T.PANCHATSARAM Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.330 of 2017 registered by the respondent police for the alleged offence punishable under Section 379 of IPC and later altered to 379, 468, 471, 420 of IPC.

2. The case of the prosecution as per the de-facto complainant is that the petitioner along with other accused committed theft of lorry belonging to the defacto complainant and thereafter, they have altered the engine number and chassis number and attempted to sell it to third parties.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the allegation against the petitioner is that he had given the RC book to the other accused. He would submit that the arrested accused have been enlarged on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused committed theft of lorry belonging to the defacto complainant and thereafter, altered the engine number and chassis number of the vehicle as per the R.C. book furnished by the petitioner and attempted to sell it to third parties. He would submit that the lorry has been recovered. He would also submit that the arrested accused have been enlarged on bail.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that the lorry has been recovered and that the arrested accused have been granted bail, I am inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the learned Judicial Magistrate-1, Namakkal, 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 failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m. and 5.30.p.m until further orders.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
03/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP.BY
THE INSPECTOR OF POLICE,
VELAGOUNDAMPATTY POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.T.PANCHATSARAM Advocate on payment of necessary
charges-Sr.12277

CRL OP.16903/2018

Date :03/07/2018

ths : 10.07.2018