



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

Tuesday, the Fourteenth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.14383 of 2018

KALAIRAJA

... PETITIONER/ACCUSED-2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT
CRNO.290 OF 2018

... COMPLAINANT/RESPONDENT

For Petitioner : MR.D.BALAMURUGAPANDI, Advocate

For Respondent : MRS.M.ANANTHADEVI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C. in Crime No.290 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the first accused was driving the lorry with sand, which was illegally taken by him. The Revenue Official seized the same and kept in the East Tahsildar Office, Madurai. Thereafter, the first accused approached the petitioner/A2 herein, who is the erstwhile owner of the said lorry and they planned to take out the said lorry from the Tahsildar Office by another key, which is in possession of the petitioner/A2. Thereafter, they had stolen the lorry from the Tahsildar Office, Hence, the complaint.

3.The learned counsel for the petitioner would submit that the lorry bearing Registration No.TN-59-AC-7666 originally belonged to the petitioner herein and he decided to sell his lorry to the first accused for the sale consideration of Rs.5,50,000/- and after receipt of entire sale consideration, the first accused had received delivery note dated 28.06.2018. The first accused also paid the requisite fee before the Regional Transport Office to change the name in the R.C.Book and it is pending. Therefore, the petitioner did not involve any alleged occurrence as stated by the prosecution. Hence, he prays for anticipatory bail.



4.It is seen from the records produced by the learned Government Advocate (Crl.Side) that the said lorry was sold out by the petitioner to the first accused as early as on 28.06.2018 and the first accused also issued delivery note in favour of the petitioner herein. Further, there is no allegation of sand theft while taking the lorry from the Tahsildar Office.

5.Considering all these aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Melur, Madurai District and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
14/08/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION, MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.D.BALAMURUGAPANDI, Advocate SR.No.15633

ORDER
IN
CRL OP(MD) No.14383 of 2018
Date :14/08/2018