



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21016 of 2018

PANDIYARAJAN

... PETITIONER / 1st ACCUSED

Vs

STATE REPRESENTED BY.

THE INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION,
MADURAI DISTRICT.
(CRIME.NO.757 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.POORNACHANDRAN Advocate

For Respondent : Mr.M.ASOKAN Govt. 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 offences punishable under Section 381 r/w. Section 34 and Section 411 of IPC, in Cr.No.757 of 2018 and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working in the de-facto complainant's Saw Mill for the past 13 years. On 07.11.2018 when the de-facto complainant had verified the Teak Wood Reapers, 9 Teak Wood Reapers were missing. Thereafter, when the de-facto complainant enquired about the same with his employees, the petitioner stated to him that he and one Prabhu/A2 have stolen the Teak Wood Reapers and sold the same to one Pandi Aasari, who is the third accused in this case. Hence, the case has been registered against them.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and he had nothing to do with the alleged offence and hence, he seeks anticipatory bail in favour of the petitioner.

4.The learned Government Advocate (Criminal side) would submit that A3 was already arrested and released on bail by the respondent police and in his confession, he states that he had received three Teak Wood Reapers and produced the same to the respondent police. A2 was arrested by the respondent police and he has given a



confession that six Teak Wood Reapers were taken back by the petitioner.

5. On going through the complaint, it is seen that the petitioner/A1 admitted about the removal of Teak Wood Reapers from the Saw Mill and handed over the same to A3. Considering the long years of service of the petitioner and he is having some dispute with the owner, the petitioner submits that he has been falsely implicated in this case.

6. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 No. IV, 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 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 shall report before the respondent police daily at 10.00 a.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/-
27/11/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO-IV,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to Mr.S.POORNACHANDRAN Advocate SR.No.22191

PS/VR-MMS/SAR-4/04/12/2018/3P/6C

ORDER

IN

CRL OP(MD) No.21016 of 2018

Date :27/11/2018