



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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5299 of 2019

KUMAR @ VELKUMAR

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
ERANIEL, KANNIYAKUMARI DISTRICT.
(CRIME NO.104 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.PRAGALATHAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

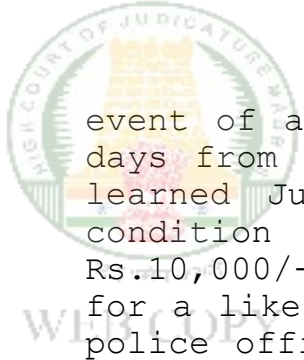
The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC, in Crime No.104 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that, when the lorry belongs to the defacto-complainant was parked, the petitioner and other accused person committed a theft of the lorry. Hence, a case has been registered against him by the respondent-Police.

3.The learned counsel for the petitioner submitted that the petitioner is no way connected in this case and the petitioner has not committed any offences as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) appearing for the State would submit that the petitioner and the other accused person were committed a theft of lorry belonging to the defacto complainant, which was, recovered by the respondent police. He would further submit that there is no previous case as against the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that the stolen lorry was recovered, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, Kanniyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioner shall report before the respondent police daily at 10.30 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 petitioners 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANNIYAKUMARI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KANNIYAKUMARI AT NAGERCOIL .

3 THE INSPECTOR OF POLICE
ERANIEL POLICE STATION, ERANIEL, KANNIYAKUMARI DISTRICT.

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

+1. CC to Mr.N.PRAGALATHAN Advocate SR.No.6327
PS/VR/SAR-3/11.04.2019/2P/6C

ORDER

IN

CRL OP (MD) No.5299 of 2019

Date : 08/04/2019