



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

Friday, the Twenty Eighth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8651 of 2019

M.ARUMUGAM

... PETITIONER / RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI.
(CRIME NO.148 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.KRISHNAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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

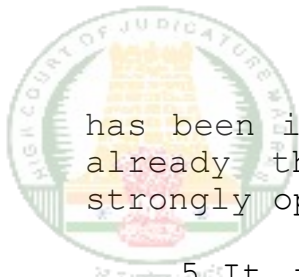
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.148 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that in the FIR, it is stated that only two persons were present in the tipper Lorry bearing Registration No.TN 72 BH 9807 and their names also mentioned in the FIR, it is not known on what basis, this petitioner has been impleaded in the above case and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (criminal side) appearing for the respondent has submitted that during investigation, the original owner of the said tipper lorry, viz., Masanam, was examined and he gave a statement stating that he sold the said tipper lorry to A2, but, RC has not been transferred and he came to know that A2 leased out the said tipper lorry to the petitioner herein and based on the said statement, the petitioner



has been implicated in the above case. She further submitted that already the petitioner is having 12 cases and therefore, she strongly opposed the petition.

5. It is stated that the FIR has been registered based on the complaint given by Mr. Vaikundam, Sub Inspector of Police, Tirunelveli Taluk Police Station. In the said FIR, he has stated that on 12.05.2019 at about 03.00 a.m, when he was at patrolling duty along with police party, at Melakulam four road, he has noticed that A1 was driving the tipper lorry bearing registration No. TN 72 BH 9807 and A2 was sitting on his side and on seeing the police party, both the accused persons stopped the lorry and ran away from that place. So, as per the FIR only two persons were involved in the above case. It is not specifically stated that the petitioner herein was also there at the time of occurrence. The original owner of the said tipper lorry, viz., Masanam, has not stated in the 161 statement that the petitioner was present in the said lorry, he only stated that he came to know that A2 has leased out the said tipper lorry to the petitioner herein. So it appears that he has no personal knowledge about the persons, who were involved in the said offence. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. III, Tirunelveli, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the the petitioner shall not abscond either during investigation or trial.

(v) 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 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].

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

WEB COPY

sd/-

28/06/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.KRISHNAN Advocate SR.No. 10744

ORDER

IN

CRL OP(MD) No.8651 of 2019

Date :28/06/2019

JM/JC/SAR 4/12.07.2019/3P/6C