

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9188 of 2019

V.Sasikumar

... Petitioner/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.
(Crime No.24/2019)

... Respondent/Complainant

For Petitioner : M/s.S.Lawrence Vimal Raj,
Advocate.

For Respondent : M/s.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.24 of 2019 on the file of the respondent police.

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 380 of IPC, in Crime No. 24 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, the TAFE Company was having 3 LED TV worth about Rs.54,500/- in their premises for the purpose of demo about their product to farmers. On 22.11.2018, after conducting demo, one Karthic, Vijay and one more person have closed the room. Thereafter, on 10.12.2018 at about 09.00 a.m, the room was opened by one Karthic and he found that three Televisions were theft by unknown persons. He further submitted that petitioner is working as

a driver and one Mr.Murali, is working as a Manager in TAFE, on 23.11.2018, the petitioner picked up the Manager to Kerela and did not enter into the particular room. He further submitted that the petitioner name was not mentioned in the FIR, and hence, he prayed anticipatory bail to the petitioner.

4.The learned learned Government Advocate (Criminal side) appearing for the respondent has submitted that based on the enquiry conducted by the respondent police, the petitioner only last visited that place. Hence, he opposed this petition.

5.Taking into consideration the fact that in the FIR, it is stated that one Karthic, Vijay and one more person closed the Room on 22.11.2018 and thereafter, on 10.12.2018 at 09.00 a.m, it was opened by one Karthic and found that three Televisions were missing, but, no where it is stated that after closing the said room whether it was broken by anyone or by the petitioner at any point of time and also taking into consideration of the aforesaid fact, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakkottai, Dindigul District, 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 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

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

(iv) 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

sd/-

05/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE, NILAKKOTTAI,
DINDIGUL DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 3. THE INSPECTOR OF POLICE,
AMMAYANAICKANUR POLICE STATION, DINDIGUL DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.LAWRENCE VIMAL RAJ Advocate SR.No.11219

ORDER
IN

CRL OP (MD) No.9188 of 2019

Date : 05/07/2019

MS/PN/SAR-1/10.07.2019/3P.6C

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