



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

Wednesday, the Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL.O.P. (MD) Nos.22716 & 22717 of 2018

V.SINGARAVELU

... PETITIONER / ACCUSED (RANK NOT KNOWN)
IN BOTH THE PETITIONS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.181/2018

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) No.22716 of 2018

STATE REP.BY
THE INSPECTOR OF POLICE,
PANDALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.213/2018

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) No.22717 of 2018

For Petitioner : Mr.R.ANAND, Advocate in both the petitions

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side) in both the petitions

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

ORDER : The Court Made the following order :-

The petitioner in both petitions apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 (N.P) of IPC in Cr.No.181 of 2018 and Section 379 of IPC in Cr.No.213 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant parked his lorry bearing registration No.TN 03 F 5538 before Durgaiamman Auto Workshop, Kanjanaickanpatti which belongs to one Sivakumar and over phone he informed him to do the engine repair work. But, when he has gone to the workshop, he found his lorry was not there. Hence, the complaint in Cr.No.181 of 2018. Moreover, the defacto complainant owns his brother-in-law's lorry bearing



registration No.TN 72 AA 8686 and one Balamurugan is the driver appointed by him. On 15.09.2018, when Balamurugan has parked the lorry at Soorappanaickanpatti and left the home. Next day morning when he returned back, he found the said lorry was missing. Hence, the complaint in Cr.No.213 of 2018.

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3.The learned counsel for the petitioner would submit that a false case has been foisted against them and they had nothing to do with the alleged offences. He further submits that A4 in this case has been granted with anticipatory bail in CrI.O.P.(MD).Nos.18767 and 18771 of 2018. He further submits that the petitioner was already granted anticipatory bail in CrI.O.P.(MD).Nos.18881 and 18849 of 2018. But, since he was suffered by jaundice he was unable to execute sureties within the time.

4.The learned Government Advocate (CrI. Side) submitted that the petitioner herein a lorry broker. Since the first accused had sustained loss in the business he had joint along with this petitioner. One Mariselvan (A4) steel lorries and thereafter break the same and sell it as parts. The lorry belonging to the defacto complainant have been stolen in this way. The accused persons are regular offenders and several cases are pending against them and strongly objected the grant of anticipatory bail to the petitioner. He also submits that the property concerned in this case have been recovered.

5.Taking into consideration the facts of the case and in view of the grant of anticipatory bail to A4 who is similarly placed as of the petitioner, and the petitioner was already granted anticipatory bail, this Court inclined to grant anticipatory bail to the petitioner.

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, Aruppukkottai, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two common sureties for both crime numbers, 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 twice on daily at 10.30 a.m. and 4.00 p.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.

<https://hcservices.ecourts.gov.in/hcservices/>

[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/-

02/01/2019

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

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE INSPECTOR OF POLICE
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE INSPECTOR OF POLICE,
PANDALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CC to Mr.R.ANAND Advocate SR.Nos.104,105

ORDER IN
CRL.O.P.(MD)Nos.22716 & 22717 of 2018
Date :02/01/2019

MS/VR/SAR-4/07.01.2019/3P.8C