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

Date : 16/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.11266 of 2019

M.Jayakumar

... Petitioner/2nd Accused

Vs

The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
(Crime No.249 of 2019).

... Respondent/Complainant

For Petitioner : M/s.S.C.Herold Singh,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

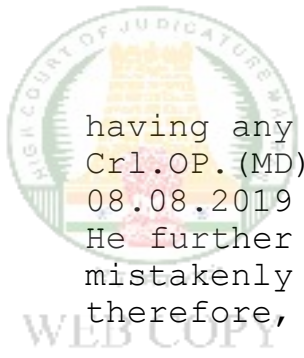
For Anticipatory Bail in Crime No.249 of 2019 on the file of the respondent.

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.249 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is the owner of the lorry, in which, the goods were transported. He further submitted that the said lorry was driven by A1 and as per the FIR, the goods were shifted from the lorry of the petitioner at Panthalkudi to some other lorry. He further submitted that with regard to the said shifting of the goods from the petitioner's lorry to another lorry, the petitioner is not



having any knowledge. He further submitted that already A1 has filed CrI.OP.(MD)No.11041 of 2019 and subsequently, it was withdrawn on 08.08.2019 and thereafter, he was arrested by the respondent police. He further submitted that the petitioner has been arrayed as accused mistakenly because he is happen to be owner of the said vehicle, and therefore, he prayed to grant anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (CrI.Side) appearing for the respondent has submitted that as per the confession statement given by A4, the goods were shifted from the petitioner's lorry to another lorry only with the knowledge of the petitioner herein and therefore, she strongly opposed this petition.

5.Considering the fact that except the confession said to have been given by A4 before the respondent police and no other material has been produced by prosecution to link the petitioner with the aforesaid crime and also the fact that already A1 has been arrested by the respondent police, 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, Court-III, Thoothukudi, 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 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/-
16/08/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-III,
THOOTHUKUDI
 - 2 -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1 CC to M/s.S.C.HEROLD SINGH, Advocate
(SR-13613[I] dated 16/08/2019)

ORDER
IN
CRL OP(MD) No.11266 of 2019
Date :16/08/2019

dss
ES/PN/SAR 3/22.08.2019/3P/6C