

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11715 of 2019

Murthy ... Petitioner/Accused
Vs

State: Inspector of Police,
Sipcot Police Station,
Tuticorin,
Tuticorin District,
Crime No.249/2019. ... Respondent/Complainant

For Petitioner : M/s.Ka.Raamakrishnan,
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. 249/2019 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 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 A2 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 A2 at Panthalkudi to some other lorry. He further submitted that with regard to the said shifting of the goods from the A2'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He further submitted that already A1 has filed CrI.OP.(MD)No.11041 of 2019 and subsequently, it was withdrawn on 08.08.2019 and thereafter, he was arrested by the respondent police.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 already this Court has granted anticipatory bail to A2 in CrI.O.P.(MD).No.11266 of 2019 by the order dated 16.08.2019 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 A2'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 and also the fact that this Court has granted anticipatory bail to A2 in CrI.O.P.(MD).No.11266 of 2019 by the order dated 16.08.2019, 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-III, Tuticorin, Tuticorin District, 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 were not 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/-
30/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
TUTICORIN, TUTICORIN DISTRICT.
 - 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
TUTICORIN,TUTICORIN DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1 CC to M/s.K.A.RAMAKRISHNAN, Advocate
(SR-14540[I] dated 30/08/2019)

ORDER
IN

CRL OP(MD) No.11715 of 2019
Date :30/08/2019

VSG
ES/PN/SAR 3/04.09.2019/3P/6C

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