

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6431 of 2020

THANGAMANI @ THANGA MUNIYASAMI [ PETITIONER / ACCUSED ]

Vs

STATE REP., BY [ RESPONDENT ]  
INSPECTOR OF POLICE,  
C2, SUNGUVACHATHRAM POLICE STATION,  
KANCHIPURAM DISTRICT.  
CR. NO.216 OF 2018

For Petitioner : M/S. S.MADHUSUDHANAN Advocate

For Respondent : M/S. S.KARTHIKEYAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 380 of IPC in Crime No.216 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused committed theft of iron scrap worth about Rs.1.90 lakhs from the lorry of the de-facto complainant. Hence, the complaint.

3.Learned counsel appearing for the petitioner would submit that the accused running iron scrap business in the name of M/s. Thangam Traders in which the other accused are employed and that they were arrested and based on the confession, a false complaint has been registered and that the entire contra-band have been recovered from the arrested accused.

4.The learned counsel for the petitioner would further submit that the petitioner has already approached this Court in CRL.O.P.No. 18540 of 2018 and the same was allowed on 27.07.2018 and anticipatory bail was also granted to the petitioner subject to certain conditions. But, the petitioner was not able to comply with the conditions as directed by this Court, since the respondent police informed to the petitioner that he is not an accused in the said case, hence the anticipatory bail order has got automatically cancelled by lapse of time. He would submit there was no previous case pending against the petitioner.

5.Learned Additional Public Prosecutor would submit that the arrested accused committed theft of the scrap and that they have confessed that the scrap was intended to be supplied to the petitioner. He would further submit that the entire contra-band has been recovered and that there is no previous case pending against the petitioner.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before District Munsif Cum Judicial Magistrate, Siraperambudur, 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 the police officer who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further order.

[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.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
19/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE,  
SRIPERAMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

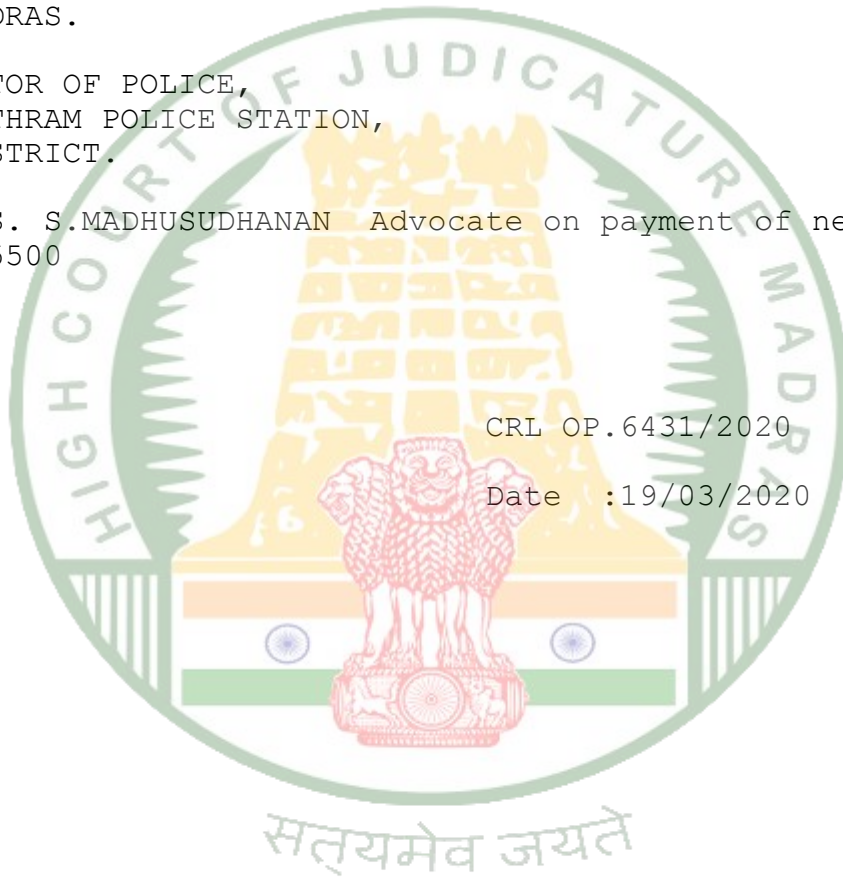
4 THE INSPECTOR OF POLICE,  
C2, SUNGUVACHATHRAM POLICE STATION,  
KANCHIPURAM DISTRICT.

+1 CC to M/S. S.MADHUSUDHANAN Advocate on payment of necessary  
charges SR.No.5500

CRL OP.6431/2020

Date :19/03/2020

cs 04/06/2020



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