



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8932 of 2020

1. Rajadurai
2. Pitchaimuthu
3. Dhinesh

... Petitioners/Accused
Rank Not Known

Vs

The State Rep. by
The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District
Crime No.135 of 2019.

... Respondent/Complainant

For Petitioners : Mr.J.Anandkumar,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.135 of 2019 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.Rank Not Known of 2020, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of IPC, in Crime No.135 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant viz., Balamurugan, is having harvesting machine, and received money from a broker for hiring the agricultural activities. On 01.05.2019, the petitioners said to have stolen the harvesting machine. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that there was a money dispute between the defacto complainant and one Nateshkumar s/o. Thangaraj, due to which, the said Nateshkumar seized the defacto complainant's harvesting machine. He further submitted that the petitioners engaged the vehicle for hire to the agricultural activities. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners said to have stolen the harvesting machine from the defacto complainant. Hence the crime has been registered.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that there was money dispute between the defacto complainant and one Nateshkumar and the petitioner engaged the vehicle for the agricultural activities, now the vehicle has been seized by the respondent police, and there is no other serious allegation against the petitioner, hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvayaru, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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:

(a) the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAYARU, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8932 of 2020
Date :04/09/2020

VSG
TE/JC/SAR-II : 09/09/2020 : 3P/5C