



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11789 of 2020

1. Ochathevar
2. Mayappan

... Petitioners/Accused Nos.4 and 5

Vs

The State Represented by
The Sub Inspector of Police,
Railway Police Station, Karur,
Karur District.
(In Crime No.4 of 2020).

... Respondent/Complainant

For Petitioners : M/s.R.Karunanidhi,
Advocate.

For Respondent : Mr.R. Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.4 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A-4 & A-5 apprehending arrest at the hands of the respondent police for the offences punishable under section 3(a) of Railway Property (Unlawful Possession) Act, in Crime No.4 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that totally there are five accused persons the petitioners along with other accused persons said to have stolen two gunny bags each containing Gear Gover weight about 1/2kg, two Diesel tanks set weight about 3kg for the worth of Rs.37,000/-. Hence, the 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 the petitioners never involved in the alleged occurrence. He further submitted that the petitioners were arrayed as an accused based on the confession statement given by the other accused persons. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (crl. Side) appearing for the respondent police, on instructions, submitted that A-1 & A-2 were already arrested and released on bail and there is no previous case pending against the petitioner. He further submitted that the petitioners said to have stolen railway properties for the worth of Rs.37,000/-.

6. Considering the facts and circumstances of the case and considering the fact that there is no previous case pending against the petitioner and A-1 & A-2 were already released on bail, this Court is inclined to grant anticipatory bail to the petitioners herein 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (one should be a blood relative of the petitioner) 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 are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each, totally to the tune of Rs.30,000/- (Rupees Thirty Thousand Only) to the credit of Crime No.4 of 2020 before the concerned Magistrate Court, within a period of four weeks, without prejudice his rights before the trial Court and on such contribution being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., without fail, for a period of two weeks and thereafter as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness service courts in investigation or trial;



(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

sd/-

28/10/2020

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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 NO.I, KARUR.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
RAILWAY POLICE STATION, KARUR,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11789 of 2020

Date : 28/10/2020

KSA

AE/JC/SAR-II (04.11.2020) 3P 5C