



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

Date : 26/11/2020

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PRESENT

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

CRL OP(MD). No.12689 of 2020

1.Tamilarasan
2.Muneeswaran
3.Thangamanickam

... Petitioners/Accused
No.1 to 3

Vs

The State rep.by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No.420 of 2020.

... Respondent

For Petitioners: Mr.N.Jeyaram Sidharth,
Advocate.

For Respondent : M/s.M.Anandha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Cr.No.420 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under section 395 of I.P.C., in Crime No.420 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant drove his lorry with loading of dry fish, the petitioners and other accused persons stop the lorry and had taken away the lorry. Thereafter, the defacto complainant found the lorry and dry fish worth about Rs.15,000/- was missing. 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 the defacto complainant has driven the lorry in a rash and negligent manner and dashed against the goat, wherein, the goat died on the spot, as such the petitioner had demanded a sum of Rs.4,000/-, the petitioners have been falsely implicated in this case. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioners said to have committed theft of lorry belonged to the defacto complainant and taken away the one box of dry fish worth about Rs.15,000/-.

6.It is seen that totally there are three accused in this case, in which, the petitioners have been arrayed as A1 to A3. Even according to the defacto complainant, the petitioners said to have committed theft of lorry with loading of dry fish. Thereafter, the lorry was found and one box of dry fish was missing worth about Rs.15,000/-.

7.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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 Judicial Magistrate Court, Kadaladi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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.

sd/-
26/11/2020

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/ /2020
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, KADALADI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12689 of 2020
Date : 26/11/2020

VSG
TK/PN/SAR.4/04.12.2020/3P/5C