



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14169 of 2021

1 VINOTHKUMAR

[PETITIONERS / ACCUSED]

2 AMIRTHARAJ

Vs

STATE REP BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
KATTUR POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.256/2021)

For Petitioner : M/S R.SASIKUMAR Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

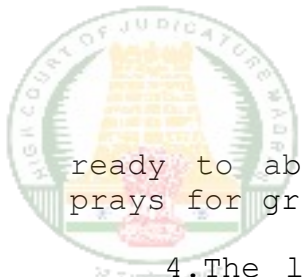
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 379 of I.P.C. in Crime No.256 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as labourer in the Crown Coating and Contracting Company. On 12.07.2021, an Air Compressor worth about Rs.8.51 lakhs was stolen from their office. Hence, the complaint. Apprehending arrest at the hands of the respondent police, the petitioners are before this Court.

3. The learned counsel appearing for the petitioners submitted that the petitioner have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The learned counsel further submitted that the property has been recovered from the main accused, and the main accused was arrested and released on bail by the Lower Court and that the petitioners are



ready to abide any conditions as imposed by this Court. Hence he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that the property worth about Rs.8.51 lakhs has been recovered from A3. The learned counsel further submits that with regard to first petitioner, one previous case is pending against him and with regard to second petitioner there is no previous case pending against him. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the said fact that the first petitioner/A1 has one previous case to his credit with similar nature, this Court is not inclined to grant anticipatory bail to the first petitioner/A1 and this application is dismissed with regard to the first petitioner/A1. So far as the second petitioner/A2 is concerned, considering the fact that no previous case is pending against him, this Court is inclined to grant anticipatory bail to the second petitioner/A2.

6.Accordingly, the second 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 No.II, Ponneri, 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 the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner 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 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]; and;

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

-sd/-
12/08/2021

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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
KATTUR POLICE STATION,
THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S R.SASIKUMAR Advocate on payment of necessary charges SR.NO.8481

CRL OP.14169/2021

Date :12/08/2021

CSK 24/08/2021