



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.18319 AND 18354 of 2021

A.AHAMATHUBASHA

[PETITIONER / ACCUSED
IN CRL.O.P.NO.18319 OF 2021]

GEORGE

[PETITIONER / ACCUSED
IN CRL.O.P.NO.18354 OF 2021]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
F-2 SIPCOT POLICE STATION,
GUMMIDIPOONDI,
TIRUVALLUR DISTRICT.
CRIME NO.376/2021.

[RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS]

For Petitioner : M/S. K.MANIKANDAN Advocate
[IN BOTH THE PETITIONS]

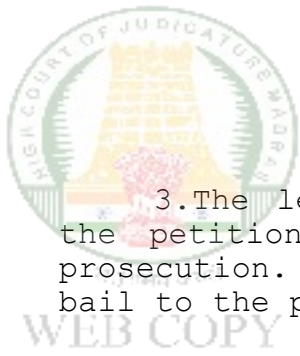
For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners in both the Crl.O.P's apprehend arrest for the alleged offence under Sections 380 in IPC in Cr.No.376 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in both the Crl.O.P's is that the petitioners along with the other accused persons have stolen a crane engine worth about Rs.1,30,000/- which belongs to the defacto complainant. Hence, the defacto complainant lodged a complaint before the law enfocing agency. Based on which, the law enforcing agency registered a case against the petitioners.



3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that the petitioners stolen a crane engine worth about Rs.1,30,000/- belongs to the defacto complainant. He further submits that the stolen property has been recovered and there is no previous case pending against the petitioners. However, he opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that there is no previous case pending against the petitioners/A-6 and A-7 and the stolen property has been recovered, this Court is inclined to grant anticipatory bail to the petitioners/A-6 and A-7.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Magistrate-Cum-Judicial Magistrate, Gummidipondi, 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 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 Court concerned 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
01/10/2021

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 DISTRICT MAGISTRATE CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
F-2 SIPCOT POLICE STATION,
GUMMIDIPOONDI,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+2 CC to M/S. K.MANIKANDAN Advocate on payment of necessary charges SR.NOs.10914 & 10915.

CRL OP.Nos.18319 & 18354/2021

Date :01/10/2021

INBA-12/10/2021