



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18421 of 2021

CHINNAIYAN.U

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
MANDHARAKUPPAM POLICE STATION,
NEYVELI, CUDDALORE - 607 801.
CRIME NO.362 OF 2021.

[RESPONDENT]

For Petitioner : M/S.A.ARASU GANESAN, Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 379 and 506(1) of I.P.C. in Crime No.362 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused is alleged to have stolen 200 bags of paddy from the Government Godown in Chepplanatham Village.

3.Initially the defacto complainant informed the Regional Manager, Tamil Nadu Civil Supplies Corporation, Cuddalore District, however, no action was taken on the accused. Hence, in Crl.O.P.No.17515 of 2021 filed by the co-accused seeking bail, this Court directed the Regional Manager to appear before this Court on 27.09.2021. As per the order of this Court, the Regional Manager, Cuddalore District appeared before this Court on 27.09.2021 and denied the theft of paddy from the Government Godown. Hence, on 27.09.2021, this Court directed the District Collector, Cuddalore to enquire into the matter and to file a report before this Court.



4.The District Collector, Cuddalore District, has enquired into the matter and has filed a report, dated 19.10.2021, before this Court in Crl.O.P.No.17515 of 2021, wherein, the District Collector has confirmed the theft of paddy from the Government Godown in Chepplanatham Village and has also recommended to initiate departmental action against the erred Officials.

5.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioner without prejudice to his rights is ready to deposit a sum of Rs.1 Lakh before the Managing Director, Tamil Nadu Civil Supplies Corporation, Cuddalore District to appropriate the loss caused to the Government.

6.Heard the submissions made by the learned Government Advocate (Criminal Side).

7.Considering the fact that the petitioner has come forward to deposit a sum of Rs.1 Lakh before the Managing Director, Tamil Nadu Civil Supplies Corporation, Cuddalore District, to appropriate the loss caused to the Government and the fact that the District Collector, Cuddalore District has recommended to initiate departmental action against the erred Officials, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the 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, Neyveli, 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)The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) through demand draft drawn in favour of the Managing Director, Tamil Nadu Civil Supplies Corporation, Cuddalore District. The challan/ receipt of such payment shall be produced at the time of executing the bond;

(b)the petitioner 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;



(c)the petitioner 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;

(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/-
21/10/2021

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.

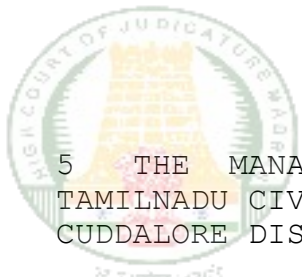
TO

1 THE JUDICIAL MAGISTRATE,
NEYVELI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MANDHARAKUPPAM POLICE STATION, NEYVELI,
CUDDALORE - 607 801.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE MANAGING DIRECTOR,
TAMILNADU CIVIL SUPPLIES CORPORATION,
CUDDALORE DISTRICT.

6 THE DISTRICT COLLECTOR
CUDDALORE

7 THE REGIONAL MANAGER,
CUDDALORE DISTRICT.

+1 CC to M/S.A.ARASU GANESAN Advocate on payment of necessary
charges SR.NO. 11517

CRL OP.18421/2021

Date :21/10/2021

JPA 22/10/2021