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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.O.P.No.25894 of 2021

Muthuraja

...Petitioner

Versus

State rep.by

...Respondent

The Inspector of Police,
Vaitheswarankoil Police Station,
Myladuthurai District.
Cr.No.641 of 2021

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on Anticipatory Bail in the event of his arrest by the respondent police in Crime No.641 of 2021, on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.L.A.J.Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC, in Crime No.641 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A3 is said to have purchased the stolen property i.e. Tipper lorry from A1 for a valid consideration. Hence, the present complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner along with A2 purchased the tipper lorry from A1 without knowing that it is the stolen property. He further submits that he is an innocent and no way connected with the offence as prosecuted. He prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner herein purchased the tipper lorry from A1 and the said vehicle is the stolen property. The alleged vehicle has already been recovered. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made on behalf of the petitioner that he has purchased the tipper lorry without knowing that it is a stolen property. Admittedly, the said vehicle is not having a separate registration number and the same has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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, Sirkali, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m. until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
29/12/2021

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,
SIRKALI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VAITHEESWARANKOIL POLICE STATION,
MYLADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.15635

CRL OP.25894/2021

Date :29/12/2021

CSK 30/12/2021