



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.746 of 2021

Sankar @ Sankarkumar

... Petitioner/Accused No.3

Vs

The State rep. by
The Inspector of Police,
Sembatti Police Station,
Dindigul District.
Crime No.1367/2020.

... Respondent/Complainant

For Petitioner : Mr.C.Jeganathan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1367/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 IPC altered to 380 IPC r/w 381 IPC, in Crime No.1367 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that based on the complaint given by the defacto complainant alleging that on 24.10.2020, at about 10.50 pm, his car bearing Registration No.TN 10 AY 9888, which was parked in front of the Hospital namely Packiammeena Nursing Hospital, Sembattai was stolen, a case in Crime No.1367 of 2020 has been registered by the respondent police. The said car was seized by the respondent police from one Ajithkumar and on the basis of the



statement given by the said Ajithkumar that with the help of the petitioner herein, the car was stolen, the petitioner also arrayed as accused No.3.

4.The learned counsel for the petitioner would submit that the petitioner is working as TNSTC driver and he is no way connected with the alleged occurrence and on the basis of the statement given by A1, the petitioner has been falsely roped without any evidence. He would further submit that the petitioner is prepared to furnish substantial sureties due his appearance.

5.The learned Government Advocate(Criminal side) would submit that totally there are four accused in this case. Initially, the case was registered under Section 379 IPC against unknown person and subsequently altered to Sections 380 and 381 IPC. The first accused was working under the defacto complainant as a driver. By using another key kept with him, he has stolen the car and the car was recovered from the accused 1 & 2.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the stolen Car was recovered from the accused persons, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

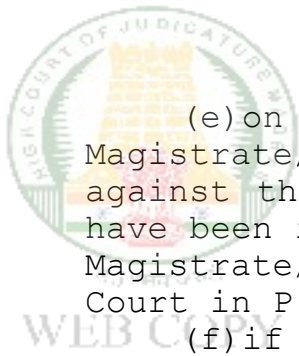
7.Accordingly, the petitioner is directed to draw a demand draft in favour of **The Dean, Government Rajaji Hospital, Madurai for a sum of Rs.10,000/- (Rupees Ten Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Athoor, Dindigul District, on condition that the petitioner 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

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

(d)the petitioner shall not abscond either during investigation



(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 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/01/2021

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ATHOOR, DINDIGUL DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
SEMBATTI POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL, MADURAI

+1 CC to Mr.C.JEGANATHAN, Advocate (SR-387[I] dated 22/01/2021)

ORDER

IN

CRL OP(MD) No.746 of 2021

Date :21/01/2021

VRN

SRS/SMA/SAR-II/29.01.2021/3P/7C