



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2021

WEB COPY

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.6404 of 2021

A.Ramji

... Petitioner/3rd Accused

Vs

The Sub- Inspector of Police,
Kurumbur Police Station,
Kurumbur, Thoothukudi District.
Crime No.59/2021.

... Respondent/Complainant

For Petitioner : Mr.Pragalathan.N, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.59/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A-3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 457, 381, 420 and 408 of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is owner of a Mini-bus and A-1 & A-2 are conductor and driver of the said mini bus. A-1 has issued a forged ticket and A-1 & A-2 said to have stolen Exide Battery and tried to change the tyres of the minibus belonged to the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner's father is the President of Mini-Bus Owners Association, Tiruchendur and there is a dispute between the petitioner's father and the defacto complainant. Due the motive between them, the defacto complainant preferred a complaint against this petitioner also. He further submitted that he has not any offence as stated in the First Information Report and he has no way connected with the crime.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is arrayed as A-3 and on instigation of A-1 & A-2, he sold battery of the Mini-bus.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that previous motive is pending between the defacto complainant and the petitioner's father and there is no specific overt act against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 Judicial Magistrate, Srivaikundam, Thoothukudi District, 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 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 every Monday at 10.30 am., until further orders;

(c) the petitioner shall not tamper with 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 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.

sd/-

05/05/2021

/ TRUE COPY /

/ /2021

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 JUDICIAL MAGISTRATE,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUB- INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
KURUMBUR,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.6404 of 2021
Date :05/05/2021

KSA
TE/VR/SAR-I : 04/06/2021 : 3P/5C