



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8907 of 2021

V.Boominathan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Mannachanallur Police Station,
Trichy District.
(Crime No.406 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory bail in Crime No.406 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 in Crime No.406 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased a tractor bearing registration No.TN-16-C-4039 and he gave it to one Murugesan for hire. Murugesan parked the vehicle near Kondayampettai on 25.06.2021, between 06.00 pm., to 07.00 pm. Then he informed him through phone that vehicle was missing. On 26.06.2021, when he visited to give complaint to Srirangam Police Station, Murugesan informed him that vehicle was in possession of Boominathan, who is the earlier owner of the vehicle and he was not able to pay installments. The defacto complainant is the present owner and the petitioner herein had stolen the vehicle. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not stolen the vehicle. The learned counsel for the respondent submitted that though he was not able to pay the



installments, subsequently, he paid the dues to the finance company. In this regard, copies of the receipt and RC book were produced.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. He further submitted that though vehicle was seized, tool kit and certain other parts are missing from the vehicle.

5.It is seen from the allegations made in FIR that the petitioner is the earlier owner of the vehicle. Due to inability to pay installments in time, the vehicle was taken possession by the finance company and sold to the defacto complainant. When it was in the possession of the defacto complainant, the petitioner said to have stolen the vehicle. It is also seen that now the vehicle was seized. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 No.III, Trichy, 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 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 respondent police daily 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]**.



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

sd/-
15/07/2021

/ TRUE COPY /

/ /2021

WEB COPY

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 NO.III,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MANNACHANALLUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8907 of 2021
Date :15/07/2021

GNS
MK/JC/SAR.IV/20.07.2021/3P/5C