



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14994 of 2021

S.Tanveer Ahamed

... Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
Thillai Nagar Police Station,
Tiruchirappalli District.
Crime No.440 of 2021

... Respondent/Complainant

For Petitioner : Mr.Surya Prakash.R,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.440 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC in Crime No.440 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 11.08.2021, at about 2.30 p.m., the defacto complainant parked his uncle's two wheeler in front of the TASMAL located at Thennur, Anna Nagar and entered the TASMAL to consume alcohol. After consuming alcohol, he found the two wheeler missing.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submits that based on the confession statement of A2, the petitioner has been arrayed as an accused and the vehicle was recovered from A2. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed. He further submits that the petitioner is not having any bad antecedent.

5. Considering the fact that the petitioner is not having any bad antecedent, he has been implicated only based on the confession statement of the co-accused, stolen vehicle was recovered from A2 and no other materials have been placed by the investigating agency other than the confession statement of the co-accused, this Court is inclined to grant anticipatory bail to the petitioner.

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 No.IV, Tiruchirappalli, 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 twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.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]**.

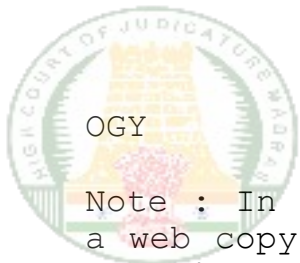
[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. The respondent Police shall conduct proper investigation, collect the call details of the petitioner and second accused and also collect other materials connecting the petitioner with the second accused.

Sd/-
06/10/2021

/ TRUE COPY /

/ /2021



OGY

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.IV,
TIRUCHIRAPPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SURIYA PRAKASH, Advocate (SR-6996[I] dated 07/10/2021)

ORDER

IN

CRL OP(MD) No.14994 of 2021

Date : 06/10/2021

VB/SKN/SAR-II/20.10.2021/3P/6C