



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.20326 of 2021

1. V.Sasi

2. Raju

... Petitioners/1st and 2nd Accused

Vs

State rep.by

The Inspector of Police,

Panagudi Police Station,

Tirunelveli District.

(Crime No.521/2021).

... Respondent/Complainant

For Petitioners: M/s.S.C.Herold Singh, Advocate.

For Respondent : M/s.S.Manikandan,

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.521 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC, in Crime No.521 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant had parked his vehicle bearing registration number TN 18 AX 0715 in the petrol bunk. On 02.12.2021, the *defacto* complainant went to the bunk and found that his vehicle was missing. On enquiry, the Manager of the Petrol bunk has stated that three persons had took away the vehicle stating that they have purchased the same from the *defacto* complainant. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any such offence as alleged by the prosecution. He would further submit that CCTV footage can be verified by the investigating Officer to find out the involvement of the accused persons.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on perusing the CD file, it is seen that the second petitioner was called for enquiry and he has stated during his enquiry that only at the instructions given by the first accused, he has given information that above said vehicle has been sold away and some other person has purchased the property. He would further submit that the vehicle has not been secured so far.

5.Reading of FIR and CD file it appears that the second petitioner has informed only at the instructions of the first petitioner and the second petitioner has been let out on the security given by his Advocate.

6.Considering the above said facts, age of the second petitioner and his statement given before the concerned investigating Officer, the second petitioner alone is entitled for anticipatory bail with certain conditions.

6.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Valliyoor and on his executing 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 learned Magistrate concerned and the second petitioner shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The second petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

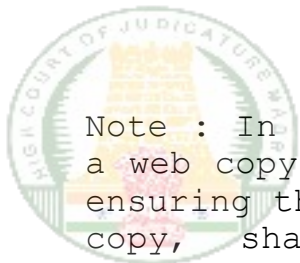
9.Considering the involvement of the first petitioner in the above said occurrence and *prima facie* made against him, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed, with respect to first petitioner.

Sd/-
20/12/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.II)
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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,
VALLIYOOR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.HEROLD SINGH.S.C. Advocate SR.No.9515

ORDER
IN
CRL OP(MD) No.20326 of 2021
Date :20/12/2021

SP/JC/SAR II/28/12/2021/3P/6C