



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3244 of 2022

P.GENGAIAH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
H-8, THIRUVOTTIYUR POLICE STATION,
CHENNAI
CRIME NO.118 OF 2022

[RESPONDENT]

For Petitioner : M/S.S.PRABUDOSS Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 379 of IPC in Crime No.118 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.01.2022, the defacto complainant had parked his two wheeler bearing registration No.TN03 AB-9114 at 08.00 p.m. in front of his home and on the next day he found his bike was missing. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the only bread winner of the family and as of now the property alleged to be stolen away at the relevant point of time was recovered by the respondent police. Hence, he prays for grant of anticipatory bail to the petitioner.



4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. However he admits the stolen property was recovered while at the time of securing the other accused who are all involved in the alleged occurrence.

5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Section 379 of IPC. It is the specific submission made by the learned Government Advocate (crl.side) appearing for the respondent police that the petitioner herein purchased the stolen property from the main accused. Therefore to prove the guilt of the petitioner, it is necessary to see whether the petitioner is having intention and knowledge as the property received by him is a stolen property. That has to be decided only at the time of trial. In otherwise, custodial interrogation of the petitioner is not necessary for completing investigation. Hence, taking note of all the above said aspects into consideration, this court is inclined to grant anticipatory bail to the petitioner.

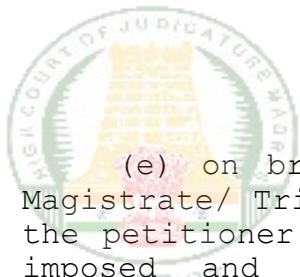
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the XV Metropolitan Magistrate, George Town, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties 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 his photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for investigation.

(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/-
17/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XV, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
H-8, THIRUVOTTIYUR POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.PRABUDOSS Advocate on payment of necessary charges
SR.NO. 2521

CRL OP.3244/2022

Date :17/02/2022

JPA 22/02/2022