



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3554 of 2022

DEENA

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ULUNDURPET POLICE STATION,
KALLAKURICHI DISTRICT.
CRIME NO.37/2022.

[RESPONDENT]

For Petitioner : M/S.M.SUBASH Advocate

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

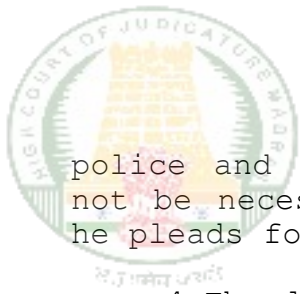
PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections **379 of I.P.C** in Crime No.37 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during the relevant point of time, the petitioner along with other accused are involved in stealing of Two Wheeler bearing Reg.No. TN 31 L 7087, which belongs to the defacto complainant. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing 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 case has been registered against the petitioner, based on the confession statement given by other accused in a different case. The specific submissions made by the learned Counsel for the petitioner is that the stolen property has already been recovered by the respondent



police and therefore custodial interrogation of the petitioner may not be necessary for completing the the investigation. Accordingly, he pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the investigation is pending. However, he admits that, the stolen property (in the petition mentioned occurrence) was recovered and also the present petitioner was arrayed as accused, based on the confession statement given by other accused in different case.

5. The submissions made by the learned Counsel appearing on either sides are considered.

6. The respondent police registered the case as against the petitioner for the offences punishable under sections **379 of I.P.C.** Since, the stolen property in the alleged occurrence was recovered and therefore custodial interrogation may not be necessary for completing the investigation.

7. Taking note of all the above said aspects into consideration, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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.1, Ulundurpet** 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 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 not tamper with evidence or witness either during investigation or trial;

(c) **the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;**

(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 has 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/-

15/02/2022

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 JUDICIAL MAGISTRATE,
NO.1, ULUNDURPET, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ULUNDURPET POLICE STATION,
KALLAKURICHI DISTRICT.

+1 CC to M/S.M.SUBASH Advocate on payment of necessary charges
SR.NO.2373

CRL OP.3554/2022

Date :15/02/2022

TA-21/02/2022