



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10692 of 2022

BAKKIR MYDEEN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
C-5, ORAGADAM POLICE STATION,
KANCHIPURAM DISTRICT.
CRIME NO.164 OF 2022.

[RESPONDENT]

For Petitioner : M/S.C.MOHANRAJ Advocate

For Respondent : MR. S.UDAYAKUMAR, 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 offences under sections 120 (B), 407, 420, 465, 468, 471 & 381 of IPC in Crime No.164 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the plant head in AM/NS India Company, SIPCOT, Oragadam. On 05.04.2022, one Venkatesan and Kumaresan who were working as Securities had colluded with the other employees and stolen 6 Iron Coils in three trailer lorries. In so far as the petitioner is concerned he is running a Iron and Plastic Scrap Mart and he has purchased the said stolen Iron Coils from the other accused persons. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. The learned counsel would



further submit that the petitioner has been running the Scrap Shop for the past 20 years without any allegations and he has been falsely implicated in this case. Hence, he pleads for anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the entire stolen properties and the money have been recovered from the accused persons and that there is no previous case against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. On a perusal of the FIR, reveals that one Venkatesan and Kumaresan only had stolen the properties in collusion with the other accused persons and the petitioner is only a receiver of the stolen properties. In view of the above, 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 District Munsif-Cum-Judicial Magistrate Court, Sriperumbudur, Kancheepuram District 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 their 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 as and when required for interrogation.

(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.

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-sd/-
11/05/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR,
KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
C-5, ORAGADAM POLICE STATION,
KANCHIPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges
SR.NO. 7008

CRL OP.10692/2022

Date :11/05/2022

RW 13/05/2022