



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.13826 of 2022

R.MANEESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
TIRUVALLUR,
TIRUVALLUR DISTRICT.
CR.NO.30 OF 2022.

[RESPONDENT]

For Petitioner : M/S. R.SASIKUMAR Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC in Crime No.30 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the de facto complainant is manufacturing and selling the transformer from his factory situated at Bangalore. During his business, one transformer which was supplied by him to Matrapalli Sub Station, Tiruppathur EDC was reported with small leakage. Therefore, the de facto complainant authorized Mr.Raman Rajan and Mr.Maneesh/petitioner herein of SPG Electricals to receive the transformer and return to factory. Unfortunately, the said Raman Rajan died and the transformer was not returned back to the factory. Upon verification with the Tiruppathur EDC, they came to understand that late Mr.Raman Rajan had taken delivery of Oil 27 barrel on 08.03.2022 and Mr.Maneesh had taken delivery of Transformer on 17.04.2021. When the de facto complainant enquired about the transformer to the petitioner, he informed him that did not know anything but his uncle Mr.Srinivas knows it well. Upon further verification, the de facto complainant came to know that transformer had been unloaded in Ambur Scrap dealer place. Hence, the complaint.



3. Admittedly, the transformer was handed over to the father of the petitioner herein. He sold out the said transformer to 3rd party as scrap. However, the petitioner's father died and as such, the present complaint is against his son Viz., the petitioner and his uncle. Therefore, this Court is of the view that, for the offence committed by the petitioner's father, the petitioner cannot be liable for punishment.

4. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Thiruvallur, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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].



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

-sd/-

16/06/2022

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.I, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
TIRUVALLUR, TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges
Sr.9347

CRL OP.13826/2022

Date :16/06/2022

RVR 21/06/2022