



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26.04.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.6827 of 2022

Senkuttuvan

... Petitioner/ Accused No.3

Vs

The State represented by
The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
(Crime No.138 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.S.Veerapandi Selvaraj,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

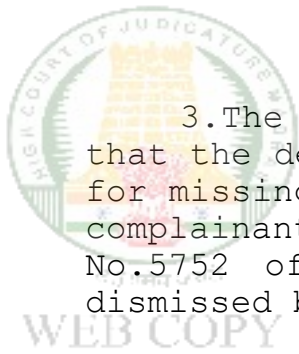
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-For Anticipatory Bail in Crime No.138 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.3, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC, in Crime No.138 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.04.2014, the defacto complainant's tractor and tipper was stolen from his house, that on 16.12.2021, the defacto complainant found his tipper at the house of the fourth accused and on enquiry, the defacto complainant came to know that the fourth accused has purchased the tipper from the first accused and the same was purchased from the petitioner herein, who has purchased the tipper from the second accused. Hence, the complaint.



3.The learned Government Advocate (Criminal Side) would submit that the defacto complainant has preferred a complaint on 26.03.2022 for missing of tractor and tipper on 16.04.2014 and that the defacto complainant has filed a petition before this Court in Crl.O.P.(MD) No.5752 of 2022 to transfer the investigation and the same was dismissed by this Court vide order dated 29.03.2022.

4.The learned counsel for the petitioner would submit that the petitioner is only a bonafide purchaser and he was not having any knowledge about the complaint, that he has purchased the vehicle in the year 2016 and that the accused 1 and 2 were already arrested and released on bail.

5.Considering the nature of charges levelled against the petitioner and also the facts that the main accused were already arrested and released on bail and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate, Thiruvaiyaru, 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 229-A IPC.

sd/-
26/04/2022

/ TRUE COPY /

WEB COPY

/ /2022
Sub-Assistant Registrar (C.S.)
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.

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6827 of 2022
Date :26/04/2022

CSM
MK/JM/SAR.I/28.04.2022/3P/5C