



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.6610, 6615 and 6616 of 2022

WEB COPY

1.Jinish Mon
2.Jijo Mon

... Petitioners/Accused (Rank Not Known)
in all petitions

Vs

1.State Rep.by
The Sub-Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.
(Crime Nos.350 & 351/2019)

... Respondent/Complainant
in Crl.O.P.(MD)Nos.6610 & 6616/2022

2.State Rep.by
The Sub-Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
(Crime No.121/2019)

... Respondent/Complainant
in Crl.O.P.(MD)No.6615/2022

In all petitions:-

For Petitioner : Mr.N.S.Ramakrishna Dass,
Advocate.

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

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

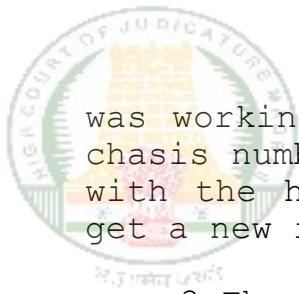
For Anticipatory Bail in Crime Nos.350 and 351 of 2019 on the file of the respondent police in Crl.O.P.(MD)Nos.6610 and 6616 of 2022 and Crime No.121 of 2019 on the file of the respondent police in Crl.O.P.(MD)No.6615 of 2022.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC in Crime Nos.350 and 351 of 2019 on the file of the respondent police in Crl.O.P.(MD)Nos.6610 and 6616 of 2022 and Crime No.121 of 2019 on the file of the respondent police in Crl.O.P.(MD)No.6615 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein were involved in theft of two wheelers. The second petitioner, who

<https://hcservices.ecourts.gov.in/hcservices/>



was working in the lathe shop used to change the engine number and chasis number and thereafter, produce the same before the RTO office with the help one Jebin, who was working as a temporary staff and get a new registration number. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners, who are brothers, have been running a lathe work shop, that A1 is the two wheeler mechanic, that A1 used to produce the vehicle to the petitioners' lathe shop and that the petitioners have nothing to do with the alleged stolen vehicles. He would further submit that A1 and A2 were already granted anticipatory bail by this Court in Crl.O.P.(MD)Nos.942, 1025, 1026 and 1027 of 2021, dated 09.03.2021.

4.The learned Government Advocate(Crl.Side) would submit that on the basis of the confession taken from the first accused, the petitioners were added as accused in this case and that the respondent police had seized six vehicles.

5.Considering the above facts and circumstances and also the facts that the FIR came to be registered in the year 2019, that the investigation might have been completed by this time and that A1 and A2 were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners in Crl.O.P.(MD)Nos.6610 and 6616 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandi; and the petitioners in Crl.O.P.(MD)No.6615 of 2022 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai and on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrates concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the Sub-Inspector of Police, Boothapandi Police Station, Kanyakumari District daily at 10.30 a.m., until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/04/2022

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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,
BOOTHAPANDI.
- 2 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE SUB INSPECTOR OF POLICE,
KOTTICODE POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE SUB INSPECTOR OF POLICE
BOOTHAPANDI POLICE STATION,
KANYAKUMARI DISTRICT.



6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-3582[I] dated
20/04/2022)

ORDER IN

CRL OP(MD). Nos.6610, 6615 and 6616 of 2022

Date :19/04/2022

RS/VR/SAR.2 (22.04.2022) 4P-8C