



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

Date : 27.04.2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7837 of 2022

M.Suresh Kumar @ Suresh

... Petitioner/2nd Accused

Vs

The State Rep. By,
The Sub-Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
(Crime No.139 of 2022)

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan,
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.139 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.2, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC, in Crime No.139 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had leased out his lorry to the first accused for monthly rental amount of Rs.55,000/-, that the petitioner is the manager of the first accused, that since the first accused has not paid the rental amount, the defacto complainant met the first accused and the petitioner and at that time, the first accused informed him that the lorry was under repair in a workshop, for which, the defacto complainant went to the workshop and found that the some parts of the lorry were found missing and the value of the parts is nearly Rs.55,000/-. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is the manager of the first accused and that there existed some disputes between the first accused and the defacto complainant with regard to payment of rent.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the spare parts of the lorry was found missing and the value is worth about Rs.55,000/-.

5.Considering the nature of the charges levelled against the petitioner and also the fact that the petitioner is not having any previous cases for similar offence or serious offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of Crime No.139 of 2022 on the file of the respondent police, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, Valliyoor, Tirunelveli District.

7.On production of such receipt/acknowledgment, 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 Court, Valliyoor, Tirunelveli 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 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.

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sd/-
27/04/2022

/ TRUE 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,
VALLIYOOR, TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
PANAGUDI POLICE STATION, PANAGUDI,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-3919[I] dated 27/04/2022)

ORDER
IN
CRL OP(MD) No.7837 of 2022
Date :27/04/2022

csm
USK/VR/SAR-II/02.05.2022/3P/6C