



WEB COPY

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

Dated: 24/06/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

**Crl.OP(MD)Nos.11041 and 11029 of 2022**

1.Paulraj  
2.Stalin  
3.John

... Petitioners/Accused  
No.2 to 4  
(in Crl.O.P. (MD)No.11041/2022)

K.Maran

... Petitioner/Accused-5  
(in Crl.O.P. (MD)No.11029/2022)

Vs.

State represented by  
The Sub Inspector of Police,  
Ottapidaram Police Station,  
Thoothukudi.  
(Crime No.133 of 2022)

... Respondent/Complainant  
(in both Petitions)

For Petitioners : Mr.J.Harikrishna, Advocate  
(in both Petitions)

For Respondent : Mr.B.Thanga Aravindh  
Government Advocate (Crl. Side)  
(in both Petitions)

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.133 of 2022 on the file of the Respondent Police.

**COMMON ORDER :** The Court made the following order:-

The petitioners in Crl.OP(MD)No.11041 of 202, who are arrayed as A2 to A4 were arrested on 24/05/2022 and remanded to judicial custody for the offence punishable under section 379 IPC, in Crime No.133 of 2022 on the file of the respondent police, seek bail,  
<https://hcservices.ecourts.gov.in/hcservices/>

whereas the petitioner in CrI.OP(MD)No.11029 of 2022, who is arrayed as A5 apprehending arrest at the hands of the respondent police, seeks anticipatory bail.

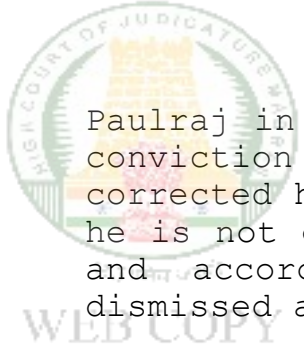
2.The case of the prosecution is that the de-facto complainant is the owner of a Transport Company. The Company located in Karnataka, placed an order to ship shirts worth about Rs.33,00,000/-. It transported the same to Tuticorin. The above said consignment was transported through a lorry bearing registration No.25-BV-7119 and the lorry driver was Selvakumar. On 01/04/2022, the above said Selvakumar enroute to Tuticorin, has damaged the seal and stolen away shirts worth about Rs.1.66 lakhs. The balance of the consignment was handed over to CFS Company. The Company refused to receive the same stating that seals were broken. Later, Selvakumar returned and on the way, parked the vehicle near Bangarupatti and ran away from that place. Based upon the information received, the case has been registered.

3.Seeking bail, A2 to A4 have filed petition on the ground that they were arrested, on 24/05/2022 and remanded to judicial custody and ever-since, they are in in custody. According them, major portion of the stolen property has been recovered and except the confession of the co-accused, no other incriminating evidence has been collected during the course of investigation.

4.The learned Government Advocate (Criminal side) would submit that accused are not having good conduct and they are in the habit of repeating such sort of crime. For that purpose, he has also produced the list of cases, which are pending against the accused persons.

5.To show the previous cases, the learned counsel appearing for the petitioners has produced judgment in the previous cases. CC No.702 of 2012 was tried by the 5<sup>th</sup> Metropolitan Magistrate, Egmore, Chennai and they have acquitted. The 1<sup>st</sup> petitioner/A2 M.Paulraj was tried along with other accused namely S.Senthil Murugan and K.Maran before the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai and they have admitted the guilt. Accordingly, the first petitioner and others were convicted and imposed fine amount. They were tried for offences section 420 IPC along with section 63(a) r/w 51 of the Copy Right Act. The above said occurrence took place on 22/02/2019 which is similar to the present case. In that case also, the accused persons alleged to have broken open the seal of the parcel, which was shipped by the Company. This is the second case of similar nature. Therefore, it is seen that conviction and sentence, which was imposed upon the petitioners did not have any impact. This shows that they are habitual offenders. So, the petitioners are not entitled for bail. Accordingly, CrI.OP(MD)No.11041 of 2022 is dismissed.

6.Similarly, K.Maran/A5 moved anticipatory bail in CrI.OP(MD) No.11029 of 2022. This petitioner K.Maran was also tried along with



Paulraj in the above said CC No.2347 of 2021. As mentioned earlier, conviction and sentence did not have any impact upon him. He has not corrected himself. This petitioner is also a habitual offender. So, he is not entitled to the discretionary relief of anticipatory bail and accordingly, CrI.OP(MD)No.11029 of 2022 is liable to be dismissed and it is dismissed.

7.In the result, both the criminal original petitions are **dismissed**.

Sd/-  
24/06/2022

/ TRUE COPY /

/ /2022  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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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 SUB INSPECTOR OF POLICE,  
OTTAPIDARAM POLICE STATION,  
THOOTHUKUDI.
2. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CrI.OP(MD)Nos.11041 and  
11029 of 2022  
Date :24/06/2022

SP/PN/SAR I/28/06/2022/3P/3C