



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.12992 of 2022

WEB COPY

Ramachandran

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Thirupathur Town Police Station,
Sivagangai District.
Crime.No.67/2022.

... Respondent/Complainant

For Petitioner : M/s. Murugappan.R,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 67 of 2022 on the file of the Respondent police.

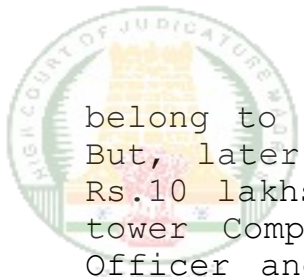
ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 447 & 379 of I.P.C, in Crime No.67 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that they setting up the GTL cell phone tower in the property of the first accused on lease basis. But, later, it was found that some of the articles in the cell phone tower were found removed and stolen. Based upon the complaint given by the defacto complainant, case has been registered against 7 persons. The petitioner is the second accused in this case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

4.Reading of the CD file shows that because of some arrears to be paid by the cell phone Tower Company, the owner of the site decided to sell the same to the third party and he received a sum of Rs.60 lakhs from one Surendran. Later, finding that the articles



belong to cell phone tower Company, he discontinued the agreement. But, later, he entered into the agreement with the petitioner for Rs.10 lakhs. Finding that there was a complaint by the cell phone tower Company, all the persons have appeared before the Enquiry Officer and before the Enquiry Officer, understanding was reached between the defacto complainant and the parties. By which, the first accused gave a statement that he executed a document to undertake that there was no objection to remove articles, which belong to the defacto complainant. Agreement was entered on 10.05.2022.

5. Since compromise has been reached between the parties on the basis of the undertaking given by the first accused, anticipatory bail was granted to the first accused by the learned Principal District Judge, Sivagangai.

6. Considering the facts and circumstances of the case and also considering the fact that compromise has been reached between the parties and based upon that, A1 was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thirupathur, Sivagangai District, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

19/07/2022

/ TRUE COPY /

/07/2022

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

DSS

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,
THIRUPATHUR, SIVAGANGAI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. MURUGAPPAN.R Advocate SR.No.7340

ORDER
IN
CRL OP(MD) No.12992 of 2022
Date :19/07/2022

RK/JM/SAR-III/28.07.2022/3P/6C