



WEB COPY



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

Date : 25/08/2022

PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

**CRL OP (MD) . No.15331 of 2022**

Abubakkar

... Petitioner/Accused  
(Rank Not Known)

Vs

State rep.by  
The Inspector of Police,  
Sankarankovil Town Police Station,  
Tenkasi District.  
(Crime No.27 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumar J, Advocate.

For Respondent : Mr.B.Thanga Aravindh,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime no.27/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused (Rank Not Known), apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 454, 457 & 380 of I.P.C, in Crime No.27 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the mother of the defacto complainant and her brother's wife have stayed in the house of the defacto complainant for one day. Next day i.e, 20.01.2022, at about 08.30 a.m, after returning to their house, they found that 5 Sovereigns of gold jewels were missing from the bureau. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that this is the second anticipatory bail application filed by the petitioner. Earlier application filed by him was dismissed on the ground that he received the stolen jewellery from the first accused.

4. Now, the second application has been filed on the ground that the first accused has already been granted bail by the concerned Court and even though, there is an allegation of selling stolen jewellery to the petitioner, no recovery was made by the Investigating Officer. According to him, he is noway, involved in the above said receiving stolen property.

5. When an allegation of receiving stolen property, the petitioner is not entitled for anticipatory bail. With regard to the recovery, even though, there was lapse on the part of the respondent police in not recovery, taking into considering the confession statement of the first accused, I find no merits in this petition. Hence, this petition deserves dismissal and accordingly, dismissed.

Sd/-  
25/08/2022

/ TRUE COPY /

08/09/2022  
Sub-Assistant Registrar (C.S.II)  
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 INSPECTOR OF POLICE,  
SANKARANKOVIL TOWN POLICE STATION,  
TENKASI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.15331 of 2022  
Date : 25/08/2022