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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)
Reserved On : 08/09/2022
Delivered on : 16/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16042 of 2022

A.Ibrahim ... Petitioner/Accused
(Rank Not Known)

Vs.

State rep.by
The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
(Crime No.182 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Babu Jaganath R, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.182 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 IPC, in Crime No. 182 of 2022, seeks anticipatory bail.

2. The allegation against the petitioner is that from 20.06.2022 till 23.06.2022, 25,000 Tonnes of NPK (Pottassium) fertilizer was unloaded, by engaging 150 Tipper lorries, the fertilizers were transported to the Godown owned by the PSTS Shipping Services. Later, the defacto complainant came to know that 5 loads of fertilizer, were missing and he intimated to the Manager-Iyyappan and thereafter, the defacto complainant ascertained that 160 Tons of fertilizer, worth about Rs.98,00,000/- were missing. The



petitioner has received the stolen property. A case in Criminal No. 132 of 2022, was registered against the petitioner.

3. On the side of the petitioner, it is stated that the case of the defacto complainant is 160 Tonnes of fertilizer was missing, but, the prosecution have seized 161.700 Tonnes of fertilizer from the Godown of the petitioner. This itself reveals that the case of the prosecution is a false one. Only on the confession of the co-accused, this petitioner was impleaded in the case. Already anticipatory bail was granted to the main accused and that one other accused was released on bail and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that totally 7 named and unnamed accused involved in the offence. On the confession of A1, this accused was implicated in the case. The petitioner has received the stolen property, worth about Rs.98,00,000/-. The entire property was recovered. It is further stated that the co-accused was already released on bail before this Court.

5. Considering the fact that the property was already recovered and also considering the fact that the co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thoothukudi 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am until further orders;

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

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
16/09/2022

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/09/2022
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 JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
PUDUKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.16042 of 2022
Date :16/09/2022