



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17492 of 2022

B.Mummoorthy

... Petitioner/Accused
(Rank not known)

Vs

The State rep.by,
The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
Crime No.182 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Maruthupandian.M,
Advocate.

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

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

PRAYER :-

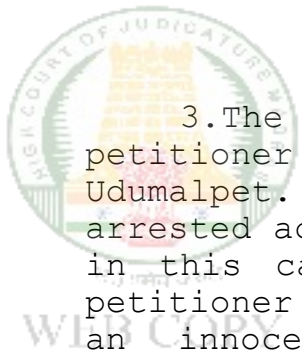
For Anticipatory Bail in Crime No.182 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of I.P.C, in Crime No.182 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 20.06.2022, 25,000/- tonnes of NPK (Potassium) fertilizer was unloaded between 20.06.2022 to 23.06.2022 by engaging 150 tipper lorries. The said fertilizers were transported from Thoothukudi port to the godown owned by the PSTS Shipping services. At that time, five loads of the above said fertilizers were found missing and the same was informed to the Manager, PSTS. Hence, enquiry was undertaken and after enquiry, it revealed that 160 tones of the fertilizers which belong to the above said shipping company had been found in the godown at Thambi Meendan, Maravar Mandram and the same is valued at Rs.98,00,000/-.

<https://www.mca.gov.in/>



3.The learned counsel for the petitioner would submit the petitioner is doing a business of supplying building materials at Udumalpet. Based on the confession statement made by one of the arrested accused namely, Muniraj, the petitioner has been implicated in this case. The said Muniraj was previously worked with the petitioner herein. He would further submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) would submit that the property has been recovered and the petitioner is having one previous case and investigation is not yet completed. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and considering the nature of the offence and also the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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 No.III, Thoothukudi, 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 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 respondent police daily at 10.30 a.m., until further orders;

[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.

sd/-

30/09/2022

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/10/2022

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

CP

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.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI
3. THE INSPECTOR OF POLICE,
PUDUKKOTTAI POLICE STATION, THOOTHUKUDI
DISTRICT. CRIME NO.182 OF 2022..
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.MARUTHUPANDIAN, Advocate (SR-10883[I] dated 30/09/2022)

ORDER

IN

CRL OP(MD) No.17492 of 2022

Date :30/09/2022

RK/GB/SAR- (10/10/2022) 3P/6C