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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2022

PRESENT

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

CRL OP(MD). No.18464 of 2022

Azarudeen

... Petitioner/

Accused Rank not known

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Mano Kumar 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.182/22 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 offences punishable under Section 379 of IPC, 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/-.

Hence, one complaint.



3.The learned counsel for the petitioner would submit that the petitioner is a driver of the lorry. Based on the confession statement of the co-accused, the petitioner has been implicated in this case. He would further submit that the co-accused were already granted bail and anticipatory bail by this Court and 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 co-accused were released on bail and anticipatory bail by this Court and the property has been recovered and the petitioner is not having any previous case. He would further submit that investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the property has been recovered and the co-accused were already granted bail and anticipatory bail by this Court and the petitioner is not having any bad antecedents, 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 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.

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/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

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.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18464 of 2022
Date :17/10/2022

RK/GB/SAR- (28/10/2022) 3P/5C