



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . Nos.20099 and 20015 of 2022

Isak Raja

... Petitioner/Accused No.1
in Crl.O.P.(MD)No.20099 of 2022

Lakshmanan

... Petitioner/Accused No.2
in Crl.O.P.(MD)No.20015 of 2022

Vs

The State represented by
The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi.
Cr.No.88/2022.

... Respondent/Complainant
in both petitions

In both petitions:-

For Petitioner : M/s.Mano Kumar M,
Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.88/2022 on the file of the
Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
406, 467 and 420 IPC, in Crime No.88 of 2022, seek anticipatory
bail.

2.The case of the prosecution is that the de-facto complainant
is a forwarding agent. On 25.10.202, the de-facto complainant
unloaded the coal from a Ship MV.Falg Triar, to the tune of 75,000
MTS for Coastal Energy Pvt Limited, Thoothukudi. It is alleged that
without any legal documents, the petitioners loaded Rs.5,00,000/-
coal on the lorries bearing Registration Nos.TN-72-BR-8590



and TN-69-VV-4389. When the petitioner's vehicle was about the green gate, the Port Trust Authority ODC has found that the alleged VT chit was a forged and fabricated one. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are only the driver of the vehicle and they were engaged by the de-facto complainant to transmit the coal from the Thoothukudi Port Trust to Coastal Energy Pvt Limited. The alleged fabricated documents were issued by the de-facto complainant itself. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners loaded Rs.5,00,000/- worth of coal on the lorries bearing Registration Nos.TN-72-BR-8590 and TN-69-VV-4389 by using forged VT chit. The investigation is still pending and the property was recovered. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of **(*)Rs.50,000/- (Rupees Fifty Thousand only) each to the credit of Crime No.88 of 2022 before the learned Judicial Magistrate No.II, Thoothukudi District,** without prejudice to their rights and contentions before the trial Court.

7.On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thoothukudi District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am until further orders.

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



(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/11/2022

(*) MODIFIED AS PER ORDER OF THIS COURT DATED 05.12.2022 IN CRL MP(MD) NOS.15067 AND 15068 OF 2022 IN CRL OP(MD) NOS.20015 AND 20099 OF 2022

TIME IS EXTENDED FOR A FURTHER PERIOD OF TWO WEEKS FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER.

/ TRUE COPY /

/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
THERMAL NAGAR POLICE STATION, THOOTHUKUDI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) . Nos.20099
and 20015 of 2022

Date :14/11/2022

SS/SSS/SAR II/23.11.2022/ 3P/ 5C

RK/BUR/SAR-4(09.12.2022) 3P/5C

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