



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8968 of 2023

Sankar

... Petitioner/Sole Accused

Vs

The State rep.by,  
The Inspector of Police,  
Vallam Police Station,  
Thanjavur District.  
Crime No.157/2023

... Respondent/Complainant

For Petitioner : Mr.Navaneetharaja.K.,  
Advocate.

For Respondent : Mr.R.Sivakumar,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.157 of 2023 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.157 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.04.2023, a lorry driver was found to be loading ashes in the lorry at the instigation of the petitioner herein. The ashes amounting to Rs.10,000/- were loaded in the lorry without the knowledge of the company. Hence, the Administrative Officer of the Sugar Mill lodged complaint against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that at the instigation of the petitioner, ashes amounting to Rs.10,000/- were illegally loaded in the lorry.

5.Considering the facts and circumstances of this case and the nature of offence alleged, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Thanjavur 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police every Wednesday at 10.30 am., for a period of eight weeks and thereafter, as and when required for interrogation.

(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]**; and;

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

sd/-

18/05/2023

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/05/2023

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR @ KUMBAKONAM.

3. THE INSPECTOR OF POLICE,  
VALLAM POLICE STATION,  
THANJAVUR DISTRICT.

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

+1 CC to M/s.NAVANEETHARAJA.K, Advocate ( SR-7673[I] dated  
19/05/2023 )

ORDER

IN

CRL OP(MD) No.8968 of 2023

Date :18/05/2023

RK/SAR- (25/05/2023) 3P/6C