



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30.06.2023
PRESENT



The Hon'ble Mr. Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12000 of 2023

WEB COPY

1.K.Ananthakumar
2.K.Sethuraman

... Petitioners/Accused Nos.1 & 2

Vs

The State represented by,
The Inspector of Police,
Sivanthipatti Police Station,
Palayamkottai Taluk,
Tirunelveli District.
(Crime No.109 of 2023)

... Respondent/Complainant

For Petitioners: Mr.S.Stalinmuthu

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal Side)

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

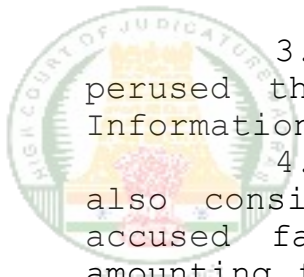
PRAYER :-

For Anticipatory Bail in Crime No.109 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 420 of I.P.C in Crime No.109 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant sent 12,110 Kgs of MS scraps to SR steel company at Thirupr on 02.05.2023 through Ananthakumar, who is the owner of the lorry bearing Registration No.TN-67-BP-0439 Eicher. On enquiry, SR steel company informed that the load of MS scraps was not delivered to them. The petitioner along with other accused sold the said scraps to one Mr.Senthilkumar, Proprietor of Sri Vare Steel Company. Hence, the complaint.



3. Heard the learned counsel appearing on either side and perused the materials available on record, including the Information Report.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioner along with other accused failed to deliver the MS scraps to SR Steel Company amounting to Rs.5,14,000/- and it is a business transaction and as such, the custodial interrogation of the petitioner does not require in this case, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

5. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[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.

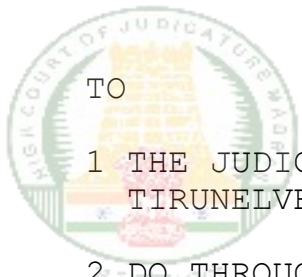
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/06/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
SIVANTHIPATTI POLICE STATION,
PALAYAMKOTTAI TALUK, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.STALINMUTHU Advocate SR.No.10103

ORDER

IN

CRL OP(MD) No.12000 of 2023

Date :30/06/2023

MGJ(07.07.2023) 3P 6C