



CRL OP(MD). No.13605 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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Balaji

... Petitioner/ Accused No.1

Vs

State represented by
The Inspector of Police,
Thuvakudi Police Station,
Trichy District.
(Crime No.146 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.B.Jameelarasu, Advocate
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.146 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 408, 379, 420,

467, 468, 471, 120(b) of IPC, in Crime No.146 of 2023 on the file of the respondent

<https://www.mhc.tn.gov.in/judis>



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police, seeks anticipatory bail.

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2. The case of the prosecution is that the defacto complainant is working as Manager of the Regional Engineering Enterprises cum Regional Engineering Works situated at Thuvakudi. He engaged the first accused/petitioner, who is running the lorry booking office, for transporting the materials. The first accused engaged the second accused, who is owner of the lorries. During the month of June 2022, the material was dispatched through the second accused lorries, which were driven by the accused Nos.3 to 10 and it was found that there was some shortage of the materials. Hence, the complaint.

3. The learned counsel for the petitioner would submit that he is only a lorry booking agent on commission basis and is no way responsible for shortage of delivery of goods or causing any loss to the company.

4. On the ground that on coming to know that the shortage of articles, the defacto complainant gave a complaint on 20.11.2022 against the above said Balaji, who is first accused herein. That was enquired in CSR No.462 of 2022. During the course of enquiry, the second accused namely Saravanakumar and this petitioner also appeared. The said Saravanakumar stated that they have unloaded the articles, which has been booked by the said company. Similarly, this petitioner also given a statement that the issue has to be sorted out by the owner of the company and the



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second accused. On that ground, the above said complaint has been closed. Later, this petitioner has been implicated, stating that he is also responsible for the above said shortage of consignment.

5. According to the defacto complainant, in the midway, the petitioners unloaded and remaining portion only was delivered. This petitioner also colluded with the second accused for committing the above said theft.

6. Since the petitioner already given a statement that the matter must be sorted out between the defacto complainant and the second accused. Whether this petitioner is involved in the above said stealing of portion of consignment is the matter for consideration of the Investigation Officer.

7. Considering the earlier closure of CSR No.462 of 2022, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.VI, Trichy, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders and co-operate with him to complete the process of investigation. If



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any trouble arises during the course of investigation, the petitioner can workout his remedy through appropriate proceedings. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
22/08/2023
/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, THUVAKUDI POLICE STATION,
TRICHY DISTRICT.

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



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ORDER

IN

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Date :22/08/2023

RS/VRS/SAR-(14.09.2023) 5P 5C

Madurai Bench of Madras High Court is issuing
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