



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.18266 of 2021

WEB COPY

A.Thangaraj

...Petitioner/
Accused Rank not known

-vs-

State: Inspector of Police,
Perumalpuram Police Station,
Tirunelveli,
Tirunelveli District.
(in Cr.No.257 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.257 of 2021.

For Petitioner : Mr.KA.Ramakrishnan

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 420, 397, 342, 506(ii) IPC in Crime No.257 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that he was working as Manager in a Private Oil Business Company and after visiting the place of dumping the oil, he accepted to give oil to the accused persons and on 20.08.2021, while the defacto complainant along with few persons went to Palayamkottai along with Oil lorry, they were forcibly taken by the accused by closing their eyes and detained them illegally and they sustained injuries and the accused have taken away the lorry in which oil was transported and after a long time, the defacto complainant and few others were brought to the place, where they found empty lorry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to business dispute, a false complaint has been given. He would further submit that even as per the prosecution, the alleged contraband oil is stated to have been recovered by the respondent police and investigation has been



completed and final report has also been filed before the Judicial Magistrate No.1, Tirunelveli. According to him, further custodial interrogation of the petitioner may not be required. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the defacto complainant and few others were illegally taken by the accused and the lorry which contained oil was also taken to their custody and later, the lorry was recovered. He would also submit that investigation has been completed and final report has been filed.

5. Heard and perused the materials available on record.

6. Since investigation in this case has been completed and final report has been filed, this Court is of the opinion that custodial interrogation of the petitioner may not be required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before the learned Judicial Magistrate No.1, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each 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 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the Judicial Magistrate No.1, Tirunelveli everyday at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the Magistrate.

[c] the petitioner shall not tamper with 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]**.

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

sd/-

21/02/2023

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/ TRUE COPY /

/03/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.1, TIRUNELVELI.

2 DO THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 INSPECTOR OF POLICE,
PERUMALPURAM POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.RAAMAKRISHNAN KA Advocate SR.No.2744

ORDER

IN

CRL OP(MD) No.18266 of 2021

Date :21/02/2023

MGJ/MMS/SAR I/28/02/2023/3P/6C