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Crl.O.P.No.30787 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30787 of 2024

THOLKAPPIYAN

S/o.Mahendran, No.2/114, Mariamman Koil Street,
Panaiyakkudi, Mayiladuthurai Taluk And District.

Petitioner(s)

Vs

State Rep. By

Inspector Of Police, Kattumannarkoil Police Station,
Cuddalore District. Crime No.317/2022

Respondent(s)

For Petitioner(s):

C.T.Saravanan
S.Arumugam
A.S.Baradhi
R.Rajasekar

For Respondent(s):

Public Prosecutor

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.317 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant



lodged a complaint with the respondent police stating that his two wheeler, which was parked in front of his house was stolen. Based upon enquiry, it is found that the accused person, who was earlier arrested for similar offence had confessed that the petitioner herein involved in the theft of two wheeler of the defacto complainant. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and had not committed any offence as alleged by the prosecution and he has been falsely implicated in the case, based on the confession of the co-accused. He also submitted that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner along with other accused had involved in theft of two wheeler of the defacto complainant. He also submitted that the co-accused was arrested in earlier case of similar nature and based on his confession, the petitioner has been arrayed as an accused. He also submitted that the stolen two wheeler has not been recovered yet and the investigation is still pending.



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5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and nature and date of offence, 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 District Munsif – cum - Judicial Magistrate, Kattumannarkoil** on condition that the petitioner shall execute a separate 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 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:



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[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 respondent police everyday at 10:30 a.m., until further orders.

[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 269 of B.N.S.



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To

1. State Rep. By
Inspector Of Police, Kattumannarkoil Police Station,
Cuddalore District.
Crime No.317/2022

A.D. JAGADISH CHANDIRA, J.

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