



CRL OP(MD) No.4176 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Nineteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4176 of 2024

M.SIVAKUMAR

... PETITIONER / ACCUSED 4

Vs

THE INSPECTOR OF POLICE
CHECKANOORANI POLICE STATION
MADURAI DISTRICT.
IN CRIME NO 434/2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SRIKANTH.S Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.434/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/ A4, who apprehends arrest at the hands of the respondent
police for the alleged offence under Section 379 of IPC, in Crime No.434 of 2023, seeks
anticipatory bail.



CRL OP(MD) No.4176 of 2024

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2.The case of the prosecution is that defacto complainant is working as Manager in Eco Protection Engineers Private Ltd., at Thirumangalam. The defacto complainant's Company got work order from TWAD Board, Madurai, for water pipe laying work. On 11.09.2023, DI pipes were unloaded and handed over to A1. On 18.11.2023, huge number of water pips worth about Rs.85,20,469.77/- were found missing. Thereby, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is only the Car Driver of A3 for the past one year. As per the instruction of A3, he used to produce invoice and e-way bill to the lorry drivers. On enquiry, he produced the same before the respondent police. On the basis of the same, the respondent police recovered 117 pipes out of 229 pipes. A1 to A3 sold all the pipes to various persons without knowledge of the petitioner. Further, A2 and A3 were already released on bail. The earlier anticipatory bail application filed by the petitioner was dismissed by this Court in Crl.O.P(MD) No.1191 of 2024, vide order dated 05.02.2024. Hence, he prayed for granting anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the



CRL OP(MD) No.4176 of 2024

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respondent police submitted that only part of the stolen property was recovered and the remaining stolen property is not yet recovered. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the part of the stolen property is not yet recovered from the accused and there is no change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
19/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE INSPECTOR OF POLICE
CHECKANOORANI POLICE STATION
MADURAI DISTRICT.

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



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CRL OP(MD) No.4176 of 2024

ORDER
IN
CRL OP(MD) No.4176 of 2024
Date :19/03/2024

SA/GS/SAR. /10.04.2024/4P/C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.