



CRL OP(MD)No.10476 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD)No.10476 of 2024

J.Godwin Titus @ Godwin,

... Petitioner/Sole Accused

Vs.

The State rep, by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli.
(In Cr.No.328 of 2024)

... Respondent/Complainant

For Petitioner : Mr.K.Renganathan
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.328 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Section 379 of IPC, in Crime No.328 of 2024,
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seeks anticipatory bail.

2. The case of the prosecution is that the accused and the defacto complainant worked in the same company namely IGO Agri Tech Farms and the Company was currently undertaking the construction of one acre poly house structure at the property owned by Mrs.Vijayarani, based on a contract agreement. While performing the work, 138 GI pipes (123 pipes of 1.5 inch size and 15 pipes of 3/4 inch size) out of a total 1027 pipes were missing. Initially, the accused Godwin was appointed to oversee this work. However, on 10.05.2024, without any prior notice, the accused left the site after collecting his salary and abandoning all the materials at the site. Additionally, the accused took R.7,000/- which was intended for renting equipment for the work. The value of the missing GI pipes is Rs.1,23,405/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner stolen the GI pipes worth about



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Rs.1,30,000/- and the pipes are yet to be recovered. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.328 of 2024 before the learned Judicial Magistrate, Nanguneri without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 respondent police daily at 10.30 am., for



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a period of three weeks and thereafter, as and when required for interrogation;

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(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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD
TO
1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.



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3 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI.

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

+1 CC to M/s.K.RENGANATHAN, Advocate (SR-8085[I] dated 18/07/2024)

ORDER
IN
CRL OP(MD) No.10476 of 2024
Date :15/07/2024

SA/VR/SAR. /26.07.2024/5P/6C

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