



CRL OP(MD). No.18286 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18286 of 2024

Immanuel Dhinesh

... Petitioner/ Accused Rank not Known

Vs

The State rep by its,
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.573 of 2024).

... Respondent/ Complainant

V.Senthilkumar

... Petitioner/ Intervener/ De-facto Complainant
In CrI.MP(MD).11595/2024 in CrI.OP(MD).18286/2024

For Petitioner : Mr.K.Suyambulingabharathi,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (CrI.Side)

For Intervener : Mr.M.R.Sreenivasan,
Advocate.

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.573 of 2024 on the file of the
respondent police.

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



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ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 331(3), 331(3) and 305 of BNS, 2023, in Crime No.573 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Joint Manager (HR) in Tuticorin Akali Chemical & Fertilizers Ltd., Thoothukudi. The said Company is involved in the business of manufacturing Light Soda Ash and sell it to the other Companies. In such circumstances, 50 tones of Light Soda Ash, which was kept in the godown of the Company was found missing. Hence, the complaint.

3. The learned counsel for the intervener opposes the petition. He would submit that even subsequently, the security was brutally attacked by the accused, and the case in Crime No.374 of 2024 has been registered. The juveniles were engaged by all the accused only to threaten the security personnel. He would submit that the petitioner is very much involved in the offence, and unless the custodial interrogation is done, further materials could not be recovered.

4. I have considered the submissions made by the learned counsel for the Intervener and the learner Government Advocate (Crl.Side).

5. The allegation in this case is that the defacto complainant's Company is



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storing the huge quantities of Light Soda Ash in their godown. All the accused, including the petitioner, have conspired and have stolen the Ash by loading it into the lorries during the night hours and have removed it to the various places. During investigation, only 21 tons of Ash has been recovered out of 50 tons. As far as the role played by the petitioner is concerned, he helped the other accused by preparing the GST bill to be kept in the Lorry at the time of transport.

6. On an earlier occasion, this Court, adjourned the matter with a specific direction to the prosecution to produce any such bill which has been recovered before this court. Today also, the prosecution is not in a position to produce any such bill, which is said to have been forged by the petitioner.

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

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.I, Thoothukudi, 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 conditions 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 daily at 10.30 a.m, for a period of three weeks and thereafter, as and when required for interrogation;

(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/-
30/10/2024

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/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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DSS

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI.

3 THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-13582[I] dated
05/11/2024)

ORDER IN
CRL OP(MD) No.18286 of 2024
Date :30/10/2024

SA/SS/SAR. /11.11.2024/5P/6C

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