



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

Date : 27/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9008 of 2020

Silambarasan

... Petitioner/Accused
Rank not known

Vs

The State rep.by,
The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari.

... Respondent/Complainant

For Petitioner : M/s. S.Sugendran,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 389 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 464, 465, 468, 420 of I.P.C., in Crime No.389 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that the petitioner is owner of the Car. A1 in this case is the driver. They have created bocus E.Pass and thereby transporting people from Chennai to other places. Hence the Thasildar, Aralvoimozhi lodged a complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the vehicle. He is in Chennai. Without his knowledge, A1 is said to have committed the crime. Now, A1 was arrested and released on bail.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner and co-accused created the bogus E.Pass and thereby transporting public from Chennai to other places.

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5.Considering the facts and circumstances of the case and also considering the fact that A1 was already granted bail by the learned Judicial Magistrate, Boothapandi, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandi, Kanniyakumari, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE,
BOOTHAPANDI, KANYAKUMARI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE
ARALVAIMOZHI POLICE STATION, KANYAKUMARI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9008 of 2020

Date :27/08/2020

DAS

PK/AKM/SAR-2/31.08.2020 : 3P/5C