



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.9247 of 2020

Dhanuskodi

... Petitioner/1st Accused

Vs

The State rep. by
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar.
(In Crime No.414 of 2020).

... Respondent/Complainant

For Petitioner : M/s.I.Abrar Md Abdullah,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.414 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 447, 342, 353 & 379 of I.P.C., in Crime No.414 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is A-1 who is working as Armed Reserve Police in Virudhunagar District and defacto complainant is a First Grade Constable in the respondent police station. The allegation is that, earlier, Tractor and Trailer belongs to the petitioner's father was seized by the respondent police for alleged illegal transportation of sand and the seized vehicle was in the custody of the respondent police station. Without obtaining permission from the respondent police station, the petitioner has taken the Tractor and Trailer and hence, the crime has been registered.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is working as a Armed Reserve Police in Virudhunagar District and due to some previous enmity a false case has been registered. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that, without obtaining permission from the respondent police station the petitioner has taken his Tractor and Trailer, subsequently the vehicle was seized by the respondent police.

6. Considering the fact and circumstances of the case and also considering the fact that the Tractor and Trailer was seized by the respondent police and hence, 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 before the learned Judicial Magistrate No.I, Srivilliputtur, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/09/2020

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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 NO.I,
SRIVILLIPUTHUR.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
KOOMAPATTY POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9247 of 2020
Date :02/09/2020

KSA
SRS/ AKM/ SAR-II/ 04.09.2020/ 3P/5C