



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

Date : 11/09/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.9650 of 2020

M. Soosai Micheal

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Karungal Police Station,
Kanyakumari.
Crime No.336/2020.

... Respondent/Complainant

For Petitioner : Mr. Niranjan S. Kumar,
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.336/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., in Crime No.336 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.09.2020, at about 11.00 p.m, when the respondent police was on patrol duty, all the vehicles were carrying red sand. On seeing the police party, A2 and A5 ran away from the occurrence place and subsequently, the vehicles were seized by the respondent Police and the petitioner has managed the entire team. Hence, a complaint 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 an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is neither the owner of the vehicle nor the workman. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner is the main accused and he has managed the entire team. He further submitted that there is no previous case pending against the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is neither the owner of the vehicle nor the workman and there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Eraniel, on condition that the petitioner shall execute 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 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

<https://hccourtsrecords.gov.in/Kcse/CaseDetails.aspx?CaseNo=2020-9650> *Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;



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

sd/-
11/09/2020

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/ /2020

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

ORDER
IN
CRL OP(MD) No.9650 of 2020
Date :11/09/2020

VSG
SRS/ PN/ SAR-III/ 16.09.2020/ 3P/5C