



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9944 of 2020

M.Sahul Hameed

... Petitioner/Accused
(Rank not known)

Vs

The State Rep. by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No. 76 of 2020).

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar, Advocate.

For Respondent : Ms. S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.76 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A2 apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported three units of river sand.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has nothing to do with the alleged offence.

4.The learned Government Advocate (Crl. side) appearing for the State submitted that the total quantity of sand involved is three units and the same was recovered by the respondent police. She would further submit that no previous case is pending against the petitioner.



5. Considering the above facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 learned Judicial Magistrate, Karaikudi, Sivagagai District 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 is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Anbukarangal, 1/216, Vivakanandar Street, Kootivakkam, Chennai 41 [Account No.10398221091, IFSC No. SBIN0010516] [Phone No.044 24928383, 9841434070] within a period of two weeks without prejudice to his rights and contentions before the trial Court;

(c) the petitioner shall report before the respondent police as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) If the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/09/2020

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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,
KARAIKUDI, SIVAGANGAI DISTRICT.
2. DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
ANBUKARANGAL,
1/216, VIVEKANANDAR STREET,
KOOTIVAKKAM,
CHENNAI 41

ORDER
IN
CRL OP (MD) No.9944 of 2020
Date :22/09/2020

AAV
TE/JC/SAR-I : 24/09/2020 : 3P/6C