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

Date : 28/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11832 of 2020

Nagoorkani

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.339 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.S.Rajeswari,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Cr NO.339 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 353, 341, 427 & 506(i) of I.P.C., in Crime No.339 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons illegally transported river sand in a lorry bearing regn. no. TN-28-H-0959 which was restrained by the concerned officials. The petitioner along with other accused persons said to have criminally intimidated the officials and also damaged the vehicle of the officials. Hence, the complaint.



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 been falsely implicated in this case. He further submitted that the petitioner name is not found in the FIR and there is no specific allegation against the petitioner. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that there is no previous case pending against the petitioner.

6. Considering the fact and circumstances of the case and considering the fact that there is no previous case pending against the petitioner, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood relative 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 daily at 10.30 a.m., without fail for a period of four 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2020

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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,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11832 of 2020
Date : 28/10/2020

KSA
TK/PN/SAR.3/03.11.2020/3P/5C