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

Date : 07/01/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.94 of 2021

Johnson

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Arumanai Police Station,
Arumanai, Kanyakumari District.
(Crime No.535/2020).

... Complainant/Respondent

For Petitioner : Mr.PL.S.Solaialagan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.535/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under section 379 I.P.C., in Crime No. 535 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that on 26.12.2020, while patrolling, the defacto complainant, who is the SSI of police had seen that A1 in this case, by using JCB had attempted to break the rock and after seeing the police, the 1st and 2nd accused ran away from the scene of occurrence.



4.The learned counsel for the petitioner would submit that the petitioner is innocent and he is the friend of A1 and he has been falsely roped in the occurrence. Admittedly, in this case, it is only an attempt.

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5.The learned Government Advocate(Criminal Side) appearing for the State would submit that based on the complaint given by the Defacto complainant, a case has been registered against the petitioner and others, in Crime No.535 of 2020, for the offences under Section 379 IPC.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is directed to draw a demand draft in favour of **The Dean, Government Rajaji Hospital, Madurai for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties.On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.I, Kulithurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 accused / petitioner 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 NO.I,
KUZHITHURAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
ARUMANAI, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI

+1CC to Mr.PL.S.SOLAI ALAGAN, Advocate (SR-211[I] dated 11/01/2021)

ORDER

IN

CRL OP(MD) No.94 of 2021

Date : 07/01/2021

VRN

SRS/SMA/SAR-I/29.01.2021/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>