



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

Date : 20/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.635 of 2021

Justinarul Jothi

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(In Crime No.13/2021).

... Respondent/Complainant

For Petitioner : Mr.N.S.Ramakrishnadass,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.13/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offence punishable under section 379 IPC, in Crime No.13 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, while the respondent police are at patrolling, the petitioner is said to have transported 2 unit of red sand by using his vehicle. Hence, the present complaint has been lodged.

3.The learned counsel for the petitioner would submit that petitioner is innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner has transported 2 unit of red sand by using vehicle and the investigation is pending.



6.Considering the facts and circumstances of the case, I am 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kuzhithurai, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 shall draw a demand draft in favour of Dean, Government Rajaji Hospital, Madurai for a sum of **Rs.15,000/- (Rupees Fifteen 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.

[b] On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, the petitioner shall execute a bond as stated above.

(c)the petitioner and the sureties shall affix his 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;

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

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

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

(g)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

sd/-

20/01/2021

/ TRUE COPY /

/ /2021

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

COPY TO: THE DEAN, GOVERNMENT RAJAJI HOSPITAL, MADURAI

ORDER
IN
CRL OP(MD) No.635 of 2021
Date :20/01/2021

TRP
PK/SMA/SAR-II/25.01.2021 : 3P/6C