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

Date : 15/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1199 of 2021

Anestan

... Petitioner/ Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Crime No.340/2020

... Respondent/Complainant

For Petitioner : Mr.D.Balamurugapandi,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

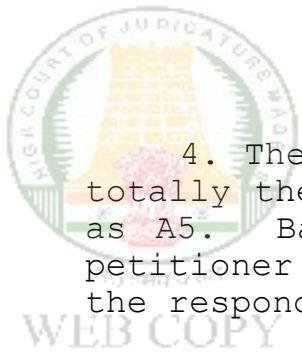
For Anticipatory Bail in Crime No.340/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.5, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 102 Cr.P. @ Section 12(1)(a) of Passport Act and Sections 353 and 506(ii) IPC, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons were trying to smuggle 73 bags of Turmeric to Srilanka. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him.



4. The learned Government Advocate(Crl.Side) would submit that totally there are five accused and the petitioner herein is arrayed as A5. Based on the confession statement of the co-accused, the petitioner has been impleaded as accused. A1 and A2 were arrested by the respondent police and subsequently, they were released on bail.

5.It is seen that totally there are five accused in this case and the petitioner herein is arrayed as A5. Already A1 and A2 arrested and subsequently, granted bail. The petitioner is proceeded against since he is the owner of the Boat in which the Turmeric was attempted to be smuggled. The respondent police now produced the certificate of ownership of the Boat/vehicle, it is found that the owner of the Boat is Suresh. Considering the above facts and circumstances of the case, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram, Ramanathapuram 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 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., for a period of two 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/02/2021

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/ /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,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.D.BALAMURUGAPANDI, Advocate (SR-1084[I] dated 17/02/2021

ORDER
IN
CRL OP(MD) No.1199 of 2021
Date :15/02/2021

LS
TK/VR/SAR.1/19.02.2021/3P/6C