



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

Date : 24/02/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.2493 of 2021

Moideen

... Petitioner/Petitioner/
Accused No.3

Vs

The State rep.by
The Inspector of Police,
Thalaimuthunagar Police Station,
Tuticorin.
Crime No.3/2020

...Respondent/Respondent/
Complainant

For Petitioner : Mr.V.Malaiyendran,
Advocate.

For Respondent : A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No. 3 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner has filed this petition seeking Anticipatory bail.

2.The petitioner is an accused in Crime No.3 of 2020 for the offences punishable under sections 9, 39 (3) r/w.51(1) of Indian Wildlife Protection Act, 1972.

3. This Court indicated that the petitioner has to surrender before the respondent and that this anticipatory bail petition will be converted into one of bail petition.

4.It is stated by the learned counsel for the petitioner that the petitioner surrendered yesterday and that he is in judicial custody at District Jail, Thoothukudi District. I am of the view of that the continued incarceration of the petitioner will not serve any purpose. The contraband has been recovered in toto. Therefore, I am inclined to enlarge the petitioner on bail with certain conditions.



(i)The petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.II, Tuticorin.

(ii)the petitioner shall appear before the respondent police or the concerned Court as and when required. The petitioner shall not tamper with evidence or witness. The petitioner shall not abscond during trial.

(iii) On breach of any of the aforesaid conditions, the 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].

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

sd/-
24/02/2021

/ 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 NO.II, TUTICORIN.
- 2.DO THROUGH THE CHEIF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THALAIMUTHUNAGAR POLICE STATION, TUTICORIN.
- 4.THE OFFICER INCHARGE,
DISTRICT JAIL, THOOTHUKUDI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.V.MALAIYENDRAN Advocate SR.No.1400

ORDER
IN
CRL OP(MD) No.2493 of 2021
Date :24/02/2021

RM

<https://hccrvtce16081a.gov.in/hccrvtce16081a.gov.in/2021/2P/7C>