



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

Date : 20/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.6790 of 2021

Maharajan ... Petitioner/Accused No.1
Vs

State Rep.by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
Crime No.99 of 2021. ... Respondent/Complainant

For Petitioner : Mr.T.Dhandapani,
Advocate.
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.99 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was illegally transported 1½ unit of red soil by using lorry. 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. Hence, he seeks anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the quantity of sand involved is 1½ unit and there are four previous cases pending against the petitioner. Hence, he opposed for granting anticipatory bail to the petitioner.



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

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing a personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.III, Tirunelveli, and execute a fresh personal bond for a sum of Rs.25,000/- [Rupees Twenty Five Thousand only] each with two sureties for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a) 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 appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/05/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6790 of 2021
Date :20/05/2021

AKV/SSB
MS/PN/SAR-1/10.06.2021/3P.5C