



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.18972 of 2021

Raj Beno

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
Crime No.157/2021

... Respondent/Complainant

For Petitioner : M/s.V.KARUNA
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 157 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC, in Crime No.157 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused has illegally transported three units of red sand by using a Tipper Lorry. Hence, the complaint.

3. This is the fourth anticipatory bail petition. The earlier anticipatory bail petitions were dismissed by this Court on the ground that the petitioner is having three previous cases.

4. The learned counsel appearing for the petitioner submits that the petitioner is a social worker and he has indulged in several social works. However, he has been foisted in this case. Even now, the petitioner has also donated eight benches to the Government Elementary School in Thottavaram in Kunnathur Village to the tune of Rs.31,000/-. The learned counsel has also produced a certificate issued by the Headmaster of that school for receipt of the same.



5.Considering the nature of minerals involved and also considering the benevolent activity of the petitioner by providing eight benches to the Government Elementary School in Thottavaram, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kulithurai, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[c] the petitioner shall file an undertaking affidavit before the respondent Police as well as before the concerned Judicial Magistrate that he will not indulge in any other offence in future;

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e]the petitioner shall not abscond either during investigation or trial;

[f]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 is 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]**.

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/12/2021

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/ /2022

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
KULITHURAI, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.V.KARUNA, Advocate SR.No.9556

ORDER

IN

CRL OP(MD) No.18972 of 2021

Date :21/12/2021

SA/PN/SAR.1/12.01.2022/3P/6C