



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19053 of 2021

1. T.Nadeshkumar
2. K.Suresh Kannan ... Petitioners/Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanniyakumari District.
(Crime No.565 of 2021)

... Respondent/Complainant

For Petitioners: Mr.N.Pragalathan,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC.438 OF CR.P.C

PRAYER :-For Anticipatory Bail in Crime No.565 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 (sand theft) IPC, in Crime No.565 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported red sand in the vehicles bearing registration numbers TN 72 CW 2070 & TN 22 BC 3108. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, he would further submit that the petitioners without prejudice to their right, is ready to deposit the amount that may be imposed by this Court.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that previous case is no pending against the petitioners herein.

5.Considering the facts and circumstances of the case and also the fact that no previous case is pending against the petitioners for similar offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of the District Mineral Foundation Trust, Kanniyakumari, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Boothapandi, Kanniyakumari District.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandi, Kanniyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 Judge concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Judge/ 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 Judge/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/-
02/12/2021

/ TRUE COPY /

/ /2021

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

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
KANYAKUMARI DISTRICT.

+1 CC to Mr.N.PRAGALATHAN, Advocate (SR-8766[I] dated 02/12/2021)

ORDER
IN
CRL OP(MD) No.19053 of 2021
Date :02/12/2021

PNM
MK/PN/SAR.II/08.12.2021/3P/7C