



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1270 of 2022

Muthukrishnan,

... Petitioner/Accused No.3

Vs

The State Rep. by,
The Inspector of Police,
Aralvoimozhi Police Station,
Kanniyakumari District.
Cr.No. 22 of 2022..

... Respondent/Complainant

For Petitioner : Mr.T.Palanisamy,
Advocate.

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

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

PRAYER :-

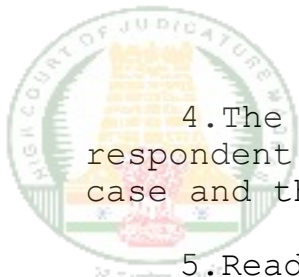
For Anticipatory Bail in Crime No.22 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC, in Crime No.22 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported 1 unit of red sand without any valid permit in the vehicle. Hence, the complaint.

3.The learned counsel for the petitioner would submit that without the knowledge and permission of the petitioner, sand was taken from his land. Since, he is the owner of the land, he is implicated in this case. Hence, prays to release him on anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is not having previous case and that the investigation is not yet completed.

5.Reading of FIR shows that illegally sand was taken from the patta land of the petitioner, by the co-accused. That being so, how the offence under Section 379 IPC is made out against the petitioner, that question to be undertaken at the time of investigation.

6.Considering the facts and circumstances of this case, that the petitioner appears to be the owner of the land and that the petitioner is not having previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Puthapandi, Kanyakumari District and 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 Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
02/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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,
Puthapandi, Kanyakumari District.
2. The Chief Judicial Magistrate,
Kanniyakumari District at Nagercoil
- 3.The Inspector of Police,
Aralvoimozhi Police Station,
Kanniyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.1270 of 2022

Date :02/02/2022

KB/JM/S2(07.02.2022) 3P 5C