



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/02/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.2418 of 2022

WEB COPY

Mani

... Petitioner/3rd Accused

Vs

The State Rep. By,
The Inspector of Police,
Moolaikaraipatti Police Station,
Tirunelveli District.
(Crime No.199 of 2021)

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh
Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.199 of 2021 on the file of the respondent Police.

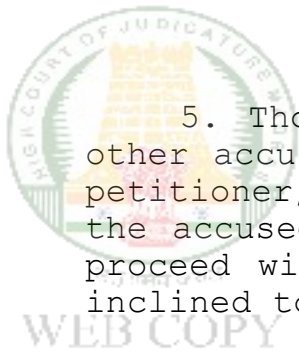
ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police, for the offence punishable under Section 379 of IPC, in Cr.No.199 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused have illegally transported eight units of saral by using tipper lorry.

3. The learned counsel for the petitioner submits that this is the second anticipatory bail petition. Since the petitioner is having three previous cases, this Court, while granting anticipatory bail to the other accused, dismissed the anticipatory bail petition against the petitioner, vide order dated 19.08.2021. He is ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl side) opposed for grant of bail on the ground that the petitioner is having three previous cases.



5. Though this Court, while granting anticipatory bail to the other accused, dismissed the anticipatory bail petition against the petitioner, the respondent Police has not taken any step to secure the accused, due to which, the trial Court is not in a position to proceed with the trial. Considering the said fact, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, 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 learned 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 not tamper with the 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 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]*** and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/02/2022

/ TRUE COPY /

/ /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



TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
MOOLAIKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2418 of 2022
Date :08/02/2022

USK/JM/SAR-II/11.02.2022/3P/5C