



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.03.2022
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.4151 of 2022

Rajakumar ...Petitioner/Accused
Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Authoor Police Station,
Thoothukudi District.
Crime No.189 of 2020

... Respondent / Complainant

For Petitioner : Mr.C.Saravanakumar
Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl. Side)

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

PRAYER :-For Anticipatory bail in Crime No.189 of 2020 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 offence punishable under Section 379 IPC, in Crime No.189 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has transported three units of pond sand without valid permission. Hence, the complaint.

3. This is the second anticipatory bail petition. The earlier anticipatory bail petition was dismissed by this Court on 08.10.2021, on the ground that the petitioner is having four previous cases.

4. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and all these cases are foisted against him out of political motive. He further submits that the petitioner is a social worker and in order to show his *bona fide*, he also donated a sum of Rs.25,000/- to a Government Higher Secondary School, Ramanathapuram. He also produced some documents to that



5. The learned Government Advocate (Crl. Side) appearing for the respondent Police has also confirmed the same.

6. Considering the facts and circumstances of the case and also considering the conduct of the petitioner in donating a sum of Rs.25,000/- to a Government Higher Secondary School, Ramathapuram, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed. 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, Thiruchendur, 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 respondent police as and when required for interrogation;

[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 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/-
22/03/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUCHENDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1 CC to Mr.C.SARAVANA KUMAR, Advocate (SR-2411[I] dated 23/03/2022)

ORDER

IN

CRL OP(MD) No.4151 of 2022

Date :22/03/2022

OGY

MK/VR/SAR.I/25.03.2022/3P/6C