



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11.04.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6692 of 2022

Sundar Raj

... Petitioner/7th Accused

Vs

The State represented by
The Inspector of Police,
Puliankudi Police Station,
Tenkasi District.
(Crime No.152 of 2022)

... Respondent/Complainant

For Petitioner : Mr.D.VENKATESH,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate (Crl. Side)

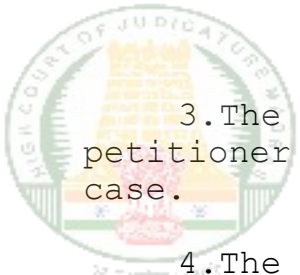
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.152 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.7, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 379, 307 and 506(2) IPC, in Crime No.152 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.04.2022 at about 05.30 a.m., the respondent police received secret information about sand theft at Kolliyar, due to that, they went to the occurrence place and at that time, they found a tipper lorry came from the opposite direction in a rash manner and on seeing the police party, the fifth accused abused the respondent police in filthy language and also instructed the driver to dash against them, that the driver tried to dash the vehicle against them, but they escaped and also tried to attack them with iron rod, for which, the respondent police arrested the second accused, who came in a two wheeler behind the lorry, and other accused had escaped from the occurrence place and that on search, the respondent police found that the lorry was loaded with 1 unit of river sand. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is the owner of the vehicle allegedly involved in the incident and that he was not present at the scene of occurrence. He would further submit that the petitioner is having two previous cases.

5.Considering the above facts and circumstances and also the nature of the charges levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of the District Mineral Foundation Trust, Tirunelveli District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Sivagiri.

7.On production of such receipt/acknowledgment, 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, Sivagiri, 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., for a period of one month and thereafter, 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]**.

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

WEB COPY

sd/-
11/04/2022

/ 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 concerned.

TO

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

COPY TO:

THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

**ORDER
IN**

CRL OP(MD) No.6692 of 2022
Date :11/04/2022

SA/SVR/SAR.3/18.04.2022/3P/6C