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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.14619 of 2022

Muthukumar

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Authoor Police Station,
Thoothukudi District.
(Crime No.189/2020).

... Respondent/Complainant

For Petitioner : M/s.Mohan Kumar G, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
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/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.189 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported three units of sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's third anticipatory bail application and the earlier applications were dismissed by this Court in Crl.O.P.(MD) Nos.9765 of 2020 and 10608 of 2020, dated 15.09.2020 and 07.10.2020. He would further submit that the co-accused was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.4151 of 2022, dated 22.03.2022. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is having three previous cases for similar offence and hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only) to the Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Thiruchendur.

7.On production of such receipt, 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.10,000/-(Rupees Ten 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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/-

10/10/2022

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

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

4 THE OFFICER INCHARGE, INDIAN ASSOCIATION FOR THE BLIND,
ALAGAR KOVIL ROAD, SUNDARARAJANPATTI, MADURAI.

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

+1 CC to M/s.G.MOHAN KUMAR, Advocate (SR-11150[I] dated
10/10/2022)

ORDER

IN

CRL OP(MD) No.14619 of 2022

Date :10/10/2022

SJI

RS/SBN/SAR.2(14.10.2022) 3P-7C