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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/09/2022
PRESENT

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

CRL OP(MD) . No.16259 of 2022

Vasanthakumar @ Vasanth

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Crime No.202 of 2022.

... Respondent/Complainant

For Petitioner : M/s.SHYLLAPPA KALYAN.N,
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.202 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC, in Crime No.202 of 2022 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 one unit of Saral sand without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a driver of JCB vehicle and he is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A1 was already released on bail and the petitioner shall abide any condition imposed by this Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner has transported one unit of Saral Sand illegally.



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

6. Accordingly, the petitioner shall deposit a sum of Rs.1,500/- (Rupees Thousand and Five Hundred only) to the credit of Crime No.202 of 2022 before the learned Judicial Magistrate No.III, Tirunelveli, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

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 No.III, Tirunelveli, 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before 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.

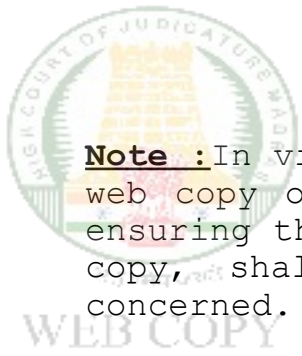
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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.

sd/-
19/09/2022

/ TRUE COPY /

/09/2022
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 NO.III
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SHYLLAPPA KALYAN N Advocate SR.No.10268

ORDER**IN**

CRL OP(MD) No.16259 of 2022
Date :19/09/2022

SJI

SA/VR/SAR.1/23.09.2022/3P/6C