

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2022

PRESENT

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

CRL OP(MD) . No.17231 of 2022

S.Prabhakaran

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(Crime No.201/2022).

... Respondent/Complainant

For Petitioner : M/s.Jeyakarthik.M.S., 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.201 of 2022 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 Sections 379 IPC r/w. 511 IPC in Crime. No. 201 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 22.09.2022, the de facto complainant, who is working as Village Administrative Officer at Urappuli Group, found that the accused persons were trying to take the sand from the occurrence place by using their vehicles and hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is owner of the vehicle and he is innocent and his name has been falsely implicated in this case based on the confession of co-accused only and he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner herein is arrayed as A5 based on the confession of statement of A1 and they have tried to transport the sand from patta land without permission. He would further submit that the petitioner is not having any previous case and the investigation of the case is almost over and he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the investigation of the case is almost over, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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, Paramakudi 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 respondent Police or to the Police Officer, who intends to arrest or 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 appear 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/-
27/09/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEYAKARTHIK.M.S. Advocate SR.No.10672

ORDER
IN
CRL OP(MD) No.17231 of 2022
Date :27/09/2022

SP/GB/SAR I/12/10/2022/3P/6C