



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/10/2022
PRESENT

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

CRL OP(MD) . No.17343 of 2022

Sahaya Mathiarasu

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.
Crime No.240/2022

... Respondent/Complainant

For Petitioner : M/s.VICTORIA GOWRI.L., 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.240 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379, 427 IPC, in Crime No.240 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons transported red sand illegally in Tempo Lorry, without any valid permit. Hence, the complaint.

3.On the side of the petitioner, it is stated that a false case was foisted against the petitioner. This petitioner is arrayed as A2. A4, A5 were already enlarged on bail by the lower Court and A1 and A3 were already enlarged on anticipatory bail by this Court. Hence, prays to release him on anticipatory bail.

4.On the side of prosecution, it is stated that the co-accused were already enlarged on bail. The petitioner is not having any bad antecedent. Considering the gravity of the offence, prays to dismiss the petition.



5. Considering the nature of the offence, that the co-accused were already enlarged on bail and that the petitioner is not having any antecedent at his credit, this Court is inclined to grant anticipatory bail to the petitioner.

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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 Judicial Magistrate No.III, Nagercoil, 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 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

20/10/2022

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/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION,
KANNYAKUMARI DISTRICT.

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

+1. CC to M/S.VICTORIA GOWRI.L. Advocate SR.No.11839

ORDER

IN

CRL OP(MD) No.17343 of 2022
Date :20/10/2022

PNM

SA/SBN/SAR.1/01.11.2022/3P/6C