



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/09/2022

PRESENT

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

CRL OP(MD) . No.17403 of 2022

Govindharaj

... Petitioner/Accused
(Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.513/2022).

... Respondent/Complainant

For Petitioner : M/s.Ramasamy 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.513/2022 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 Section 379, 511 I.P.C, in Crime No.513 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.09.2022, the accused persons tried to lift the sand from the occurrence place, without valid permit. Therefore, the present case came to be registered.



3. On the side of the petitioner, it is stated that the petitioner is innocent and he has been falsely implicated in this case. As per the confession of A2, this petitioner was implicated in this case. The petitioner is arrayed as A3 in this case. Co-accused were already enlarged on bail. The petitioner is the owner of the vehicle and that vehicle also seized by the prosecution. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioner has tried to transport sand illegally. The petitioner is not having any bad antecedent at his credit. In this case, investigation is still pending and hence, strongly oppose to allow this petition.

5. Considering the facts and circumstances of the case, nature of the offence and the petitioner is not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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.II, Kovilpatti, 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.

WEB COPY

/ TRUE COPY /

Sd/-
29/09/2022

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

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAMASAMY S Advocate SR.No.10786

ORDER
IN
CRL OP(MD) No.17403 of 2022
Date :29/09/2022

SP/VR/SAR /07/10/2022/3P/6C