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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.17855 of 2022

Ajitha

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Marthandam Police Station,
Kanniyakumari District
(Crime No.406 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Prathap V.H.S., Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

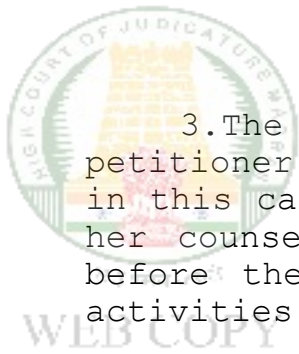
PRAYER :-

For Anticipatory Bail in Crime No.406 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 and 511 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.406 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the Village Administrative Officer lodged a complaint stating that two jacky hammer were parked in the petitioner's land to break the small rocks without obtaining prior permission. Hence, the complainant.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and she never break any rocks. The petitioner through her counsel gives an undertaking that she will file an affidavit before the satisfaction Court that she will not indulge in such activities in future.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the investigation is almost completed.

5.Considering the facts and circumstances of the case and recording the undertaking affidavit of the petitioner, 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 on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 the respondent police as and when required for interrogation.

[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]**.

Sd/-
06/10/2022

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/10/2022

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



1. THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.17855 of 2022
Date :06/10/2022

SP/SVR/SAR I/11/10/2022/3P/5C