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CRL OP(MD). N



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

Date : 12/10/2022

PRESENT

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

CRL OP(MD). No.18138 of 2022

1.Kasimani
2.Immanuvel

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
(Crime No.400/2022).

... Respondent/Complainant

For Petitioners : M/s.Thalaimutharasu.G.,
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.400/2022 on the file of the respondent police.

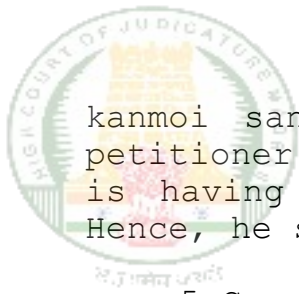
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.400 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported the kanmoi sand without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, he would further submit that the petitioners shall abide any condition imposed by this Court and they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners have transported



kanmoi sand illegally. He would further submit that the petitioner is having four previous cases and the second petitioner is having one previous case and investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail.

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

6. Accordingly, the petitioners shall pay a sum of Rs.1,000/- (Rupees One Thousand only) **each to the credit of Annai Sathya Ammaiya Memorial Government Home for Destitute Children, Dr.Thangaraj Colony, K.K.Nagar, Madurai-625 020 (CIF No.89263656176, IFSC No: SBIN0007922, A/c No.37487255860) Phone No.2529809**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Sankarankovil.

7. On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
K.V.NALLUR POLICE STATION, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ANNAL SATHYA AMMAIYAR MEMORIAL GOVERNMENT
HOME FOR DESTITUTE CHILDREN,
DR.THANGARAJ COLONY, K.K.NAGAR,
MADURAI-625 020

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-11356[I] dated
13/10/2022)

ORDER

IN

CRL OP(MD) No.18138 of 2022

Date :12/10/2022

cp

MK/SSS/SAR.II/20.10.2022/3P/7C