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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

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

CRL OP(MD). No.18858 of 2022

Rajkumar @ Rajakumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pazhavor Police Station,
Pazhavor,
Tirunelveli District.
Crime No.236 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Pragalathan N,
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 Cr No.236/2022 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 offence punishable under Section 379 IPC in Crime.No.236 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was in patrol, the petitioner has transported five units of Gravel sand worth about Rs.5,000/- illegally by using Lorry. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and seeks anticipatory bail.



4.The learned Government Advocate(Crl.Side) would submit at the petitioner is having 34 previous cases in similar nature, out of which, 21 cases were disposed of. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

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5.Considering the facts and circumstances of the case, 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, Valliyoor, Tirunelveli District 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 is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Headmaster, Panchayat Union Primary School, Othakadai, Madurai East, (**Account No:-10111536270, IFSC Code:- SBIN0002246, State Bank of India, Othakadai, Madurai**) without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(c) the petitioner shall appear before the respondent police daily at 10.30 am until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;



(g)if the accused thereafter absconds, a fresh FIF 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.

TRP

TO

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

COPY TO

THE HEADMASTER,
PANCHAYAT UNION PRIMARY SCHOOL,
OTHAKADAI, MADURAI EAST

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-11865[I] dated
26/10/2022)

ORDER
IN
CRL OP(MD) No.18858 of 2022
Date :20/10/2022

RK/SSS/SAR-1 (02/11/2022) 3P/7C