



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD) . No.19150 of 2022

1. Jeba Jenkins
2. Balakrishnan

... Petitioners/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.
(Crime No.231/2022).

... Respondent/Complainant

For Petitioners : M/s.Sathya Chidambaram S, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

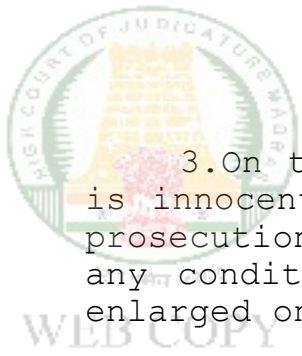
PRAYER :-

For Anticipatory Bail in Crime No.231/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC, in Crime No.231 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 22.09.2022, the accused persons illegally transported 1 unit of odai sand, without any valid permission in the vehicle. Therefore, the present case came to be registered.



3. On the side of petitioner, it is stated that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner shall abide any condition imposed by this Court. The co-accused was already enlarged on bail. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that the accused had transported mineral illegally. The petitioner is not having any bad antecedent at his credit. In this case, investigation is still pending and hence, strongly opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner and the facts that the co-accused was already enlarged on bail, that the petitioner is not having any bad antecedent 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 shall deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Nanguneri, Tirunelveli District, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police daily at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with the 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].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
28/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

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

COPY TO:

THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR AGED AND POOR,
MADURAI.

+1. CC to M/S.SATHYA CHIDAMBARAM S Advocate SR.No.12092

ORDER
IN
CRL OP(MD) No.19150 of 2022
Date :28/10/2022