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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2022

PRESENT

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

CRL OP(MD). No.19574 of 2022

Thangaraj,

... Petitioner/Accused No.5

Vs

State Rep.by
The Sub Inspector of Police,
Devarkulam Police Station,
Devarkulam,
Tirunelveli District.
(Crime No.201 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vinayagan K, Advocate.

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

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

PRAYER :-

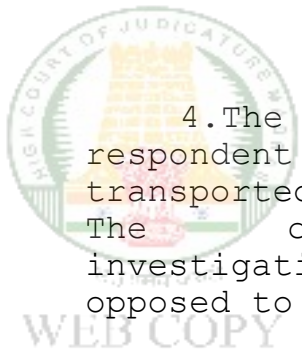
For Anticipatory Bail in Crime No.201 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals Development Act, 1957 in Crime No.201 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 05.05.2022, the petitioner has illegally transported 4 units of canal sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A1 to A4 were arrested and later, released on bail. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing before the respondent police would submit that the petitioner has illegally transported 4 units of canal sand and he is having 5 previous cases. The co-accused were arrested and released on bail. The investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate Court-III, Tirunelveli, Tirunelveli District.

7.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court-III, Tirunelveli, 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 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 **concerned Court 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 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]**; and;



(f)if the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

sd/-
07/11/2022

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

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
DEVARKULAM POLICE STATION, DEVARKULAM,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to

THE HEADMISTRESS
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR,
MADURAI.

+1 CC to M/s.K.VINAYAGAN, Advocate (SR-12566[I] dated 08/11/2022)

ORDER
IN
CRL OP(MD) No.19574 of 2022
Date :07/11/2022

PKP/VR/SAR-2/15.11.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>