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CRL OP(MD).A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2022

PRESENT

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

CRL OP(MD). No.20311 of 2022

Dhinakaran,

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No.113/2022).

... Respondent/Complainant

For Petitioner : M/s.Mandhiralingeswaran S, 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. 113 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 379, 511 of IPC and Section 24 of Mines and Minerals (Development & Regulation) Act, 1957, in Cr.No.113 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had attempted to transport savudu sand without any valid permit. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. He would further submit that co-accused were already released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner and other accused had attempted to transport savudu sand illegally. The co-accused were released on bail. However, the petitioner is having 1 previous case and the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused were released on bail, 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 Court, Thiruchendur, Thoothukudi 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 shall report before the respondent police 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 FIR can be registered under Section 229-A IPC.

sd/-
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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,
THIRUCHENDUR THOOTHUKUDI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-13417[I] dated 22/11/2022)

ORDER
IN
CRL OP(MD) No.20311 of 2022
Date :21/11/2022

PKP/SSS/SAR-3/29.11.2022/3P/6C