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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

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

CRL OP(MD). No.21070 of 2022

V.Perumal,

... Petitioner/Accused No.2

Vs

The State Rep. by,
The Inspector of Police,
Morappanadu Police Station,
Thoothukudi District.
Crime No.204 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Suresh R.M.,
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.204 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC, in Cr.No.204 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the Village Administrative Officer, Morappanadu Kovilpathu Village, along with Village head man, namely, Ganesan went to field work on the river bed of Thamiraparani and noticed that 4 persons have involved in sand theft by using Lorry bearing Reg.No.TN-75-F-0513. On seeing the defacto complainant, the petitioner fled away from the place of occurrence and vehicle was found with 2 units of river. Hence, the complaint.



3.The learned counsel for the petitioner would submit that false case has been foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A1 was arrested and later, released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit the petitioner along with other accused committed the offence of theft of 2 units of river sand worth about Rs.16,000/-. A1 was arrested and later, released on bail. He would further submit that the the petitioner is having 5 previous cases similar in nature 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 the co-accused was arrested and later, 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.5,000/- (Rupees Five Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No,I, Sri Vaikundam.

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 No,I, Sri Vaikundam, 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:

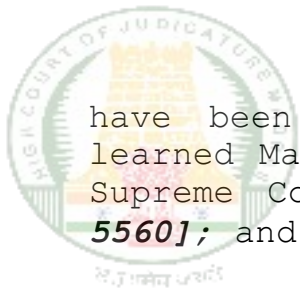
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the 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. 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/-
29/11/2022

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/12/2022
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,I,
Sri Vaikundam..
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
Morappanadu Police Station, Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai

+1 CC to M/s.R.M.SURESH, Advocate (SR-13991[I] dated 30/11/2022)

ORDER IN
CRL OP(MD) No.21070 of 2022
Date : 29/11/2022

TR/SSS/SAR-I(07.12.2022) 3P 7C