



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

PRESENT

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

CRL OP(MD) . No.21164 of 2022

Vaikundamani

... Petitioner/ Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Asaripallam Police Station,
Asaripallam,
Kanyakumari District.
Crime No.131 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Pragalathan N,
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.131 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.131 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported two units of M-sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner and other accused

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



have transported two units of M-sand illegally and the investigation is not yet completed. Hence, he strongly opposed it at anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner shall pay a sum of **Rs.3,000/- (Rupees three Thousand only)** to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : **SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.1, Nagercoil, Kanniyakumari 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 No.1, Nagercoil, Kanniyakumari 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 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.

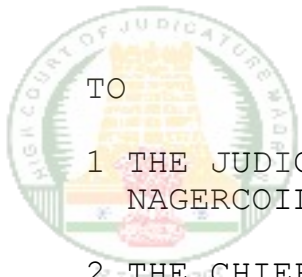
sd/-

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/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANNIYAKUMARI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION, ASARIPALLAM,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT SIDDHA MEDICAL OFFICER CCRI,
PERIYAKULAM

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-14186[I] dated
01/12/2022)

ORDER

IN

CRL OP(MD) No.21164 of 2022

Date :30/11/2022

cp

MK/VR/SAR IV/08.12.2022/3P/7C