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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21748 of 2022

Siva

... Petitioner/

Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
Madhagupatti Police Stdation,
Sivagangai District.
Crime No.193 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.193 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 457 and 380 IPC in Crime No.193 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner along with other accused have illegally found in possession of PDS rice worth about Rs.96,950/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been_falsely implicated in this case. He would further submit that based on the confession of co-accused only the petitioner herein and thereby, seeks anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner herein is a habitual offender and he is having one previous case and the PDS rice recovered worth about Rs.96,950/- and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to deposit non-refundable amount of Rs.20,000/- in any one of the welfare scheme and he seeks anticipatory bail.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Sivagangai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the District Revenue Officer, Sivagangai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the Judicial Magistrate No.I, Sivagangai,

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 appear 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 were imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

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

TRP

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE,
MADHAGUPATTI POLICE STDATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT REVENUE OFFICER, SIVAGANGAI DISTRICT.

+1 CC to M/s.LENIN KUMAR T, Advocate (SR-14738[I] dated
13/12/2022)

ORDER
IN
CRL OP(MD) No.21748 of 2022
Date :12/12/2022

RK/MMS/SAR-2 (27/12/2022) 3P/7C