



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/12/2022

PRESENT

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

CRL OP(MD) . No.22931 of 2022

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... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Cr.No.567/2022.

... Respondent/Complainant

For Petitioner : M/s.B.Jameel Arasu, 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.567/2022 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 379,511 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.567 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant is that the petitioner made an attempt to commit theft of red sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is the owner of the property and he had attempted to take red sand for the purpose of manufacturing bricks and he has not committed theft. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that without obtaining any permission from the Government, the petitioner had attempted to commit theft of red sand. However he fairly concedes that the place is the patta land of the petitioner and no previous case pending against the petitioner.



5.Heard. Perused the materials available on record .
the First Information Report.

6.Taking into consideration the facts and circumstances of the case and also the fact that place is the patta land of the petitioner and no previous case pending against the petitioner, 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, Kuzhithurai, Kanyakumari 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 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 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 everyday at 10.30 a.m.,for a period of two weeks.

[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 petitioners 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]**.

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

sd/-

23/12/2022

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/01/2023

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

AAV

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

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

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-15530[I] dated 23/12/2022)

ORDER

IN

CRL OP(MD) No.22931 of 2022

Date :23/12/2022

RS/MMS/SAR.1(03.01.2023) 3P-6C