



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date :27.03.2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.5634 of 2023

1.Leon Dharmaraj @ Leon

2.Sivakumar @ Siva

... Petitioners/Accused No.1&2

Vs

The State represented by
The Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanniyakumari District.
(Crime No.76 of 2023)

... Respondent/Complainant

For Petitioners : Mr.N.Pragalathan, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.76 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 (sand theft) IPC in Crime No.76 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Manager of M/s.Sathyam Engineering College, Kumarapuram, Kanniyakumari District. A patta land belonging to the college is situated in Devasahayam Mount. On 18.03.2023 at about 11.30, the defacto complainant got secret information that the petitioners are taking red sand from the above said land. When the defacto complainant went to the land, the petitioners herein left the place leaving a mess. Hence the case.



3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court, Boothapandi, Kanniyakumari District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent Police, daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners 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/-

27/03/2023

/ TRUE COPY /

/04/2023

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



TO

1. THE JUDICIAL MAGISTRATE COURT, BOOTHAPANDI,
KANNIYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT @ NAGERCOIL.

3. THE INSPECTOR OF POLICE,
ARALVOIMOZHI POLICE STATION,
ARALVOIMOZHI,
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-4979[I] dated 28/03/2023)

ORDER

IN

CRL OP(MD) No.5634 of 2023

Date : 27/03/2023

RK/BUC/SAR-3(10/04/2023) 3P/6C