



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.06.2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.11615 of 2023

Kannan ... Petitioner/Sole Accused
Vs

The State Rep.by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.197 of 2023)

... Respondent/Complainant

For Petitioner : M/s.P.R.Prithiviraj
Advocate.

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

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

PRAYER :-

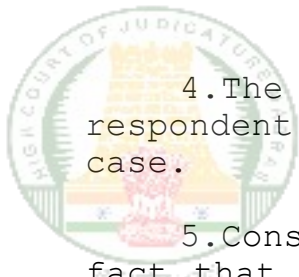
For Anticipatory Bail in Crime No.197 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 and 511 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.197 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 21.06.2023 at about 01.30 p.m., when the respondent police is in patrol duty along with the de-facto complainant and on seeing the officials, the petitioner deserted the JCB and ran away from the place. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is having one previous case.

5.Considering the nature of the offence alleged and also the fact that the petitioner is not having any previous case under the MMDR Act, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, 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 to the Police Officer, who intends to arrest or 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 for a period of two weeks and thereafter, as and when required for interrogation.

(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;

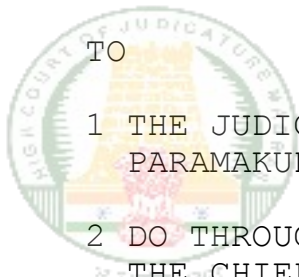
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
28/06/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.PRITHIVIRAJ.P.R. Advocate SR.No.9808

ORDER

IN

CRL OP(MD) No.11615 of 2023

Date :28/06/2023

MGJ(07.07.2023) 3P 6C

