



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11360 of 2021

1.Inbaraj
2.Gnanasekar
3.Mani
4.Rajesh @ Rajeshkumar ... Petitioners/Accused 1 to 4

Vs

The State rep.by,
The Inspector of Police,
Mollaikaraipatti Police Station,
Tirunelveli District.
Crime No.199 of 2021. ... Respondent/Complainant

For Petitioner : MR.D.VENKATESH,
Advocate.

For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.199 of 2021 on the file of the Respondent Police.

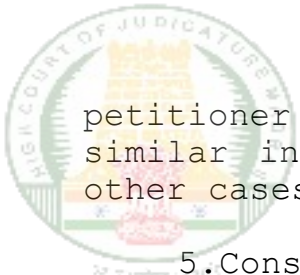
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC(Sand Theft) in Crime No.199 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported eight units of saral by using tipper lorry. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioner are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners have transported eight units of saral illegally. He further submitted that the first



petitioner is having two previous cases, in which one case is similar in nature and the third petitioner is having two similar other cases.

5.Considering bad antecedents of the third petitioner this Court is not inclined to grant anticipatory bail to the third petitioner. Accordingly, this criminal original petition is dismissed.

6.Considering the facts and circumstance of the case, this Court is inclined to grant anticipatory bail to the petitioners 1, 2 & 4. Accordingly, this criminal original petition is partly-allowed on condition that the first petitioner alone shall pay Rs.5,000/- (Rupees Five Thousand only)each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Nanguneri.

7.On production of such receipt/acknowledgment, the petitioners 1, 2 & 4 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, on condition that the petitioners 1, 2 & 4 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 learned Magistrate concerned and on further conditions that:

[a]the petitioners 1, 2 & 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners 1, 2 & 4 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 1, 2 & 4 shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 1, 2 & 4 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 1, 2 & 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 2 & 4 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/08/2021

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/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MOOLAIKARAIPATTI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER

IN

CRL OP(MD) No.11360 of 2021

Date :19/08/2021

GNS

MK/JC/SAR.I/03.09.2021/3P/6C