



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.02.2022

WEB COPY

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL OP(MD) . No.2806 of 2022

Subbiah ... Petitioners/Accused No.2

Vs.

The State rep. by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City,
Tirunelveli District.
(Crime No.912 of 2021).

... Respondent/Complainant

For Petitioners : Mr.S.Selvakumar, Advocate.

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail Crime No.912 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of I.P.C., in Crime No.912 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner illegally transported two units of stones on 28.12.2021. Therefore, a case in Crime No.912 of 2021 came to be filed against the petitioner.

3.On the side of the petitioner, it is stated that the earlier anticipatory bail petition filed by the petitioner was dismissed, since co-accused were in custody, at that time. Now the co-accused



were released on bail in Crl.O.P.(MD)No.841 of 2022 and pray the petitioner to be released on anticipatory bail.

4.On the side of the respondent it is stated that the petitioner is the second accused. He is the owner of the vehicle. The case was registered for illegal transportation of stones. The petitioner was having a previous case in Crime No.409 of 2019 for the offences under Section 4(1)(a) of Tamil Nadu Prohibition Act.

5. It is seen that co accused was already released on bail. The nature of the previous case is not similar. In the above circumstances, this Court inclines to grant the relief of anticipatory bail to the petitioner on the following condition.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.1, Tirunelveli, 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 learned Magistrate concerned and the petitioners shall appear before the respondent Police for a period of one month daily at 10.30 a.m., and thereafter as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
09/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn

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 NO.I,
TIRUNELVELI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT

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

ORDER

IN

CRL OP(MD) No.2806 of 2022

Date :09/02/2022

PKP/VR/SAR-2/14.02.2022/3P/5C